

# Rules and Orders.

Speakers' Decisions.



The British North America Act.

The Terms of Union.

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1893.

### WARNING

Every one who wilfully commits any damage . . .  
to . . . real . . . property, . . . of a public . . . nature,  
. . . is guilty of an offense and liable . . . to a penalty  
not exceeding twenty dollars . . .

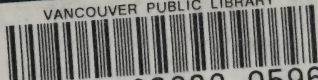
—Criminal Code, Section 539.



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RULES,  
ORDERS, AND FORMS OF PROCEEDING  
OF THE  
Legislative Assembly  
OF  
BRITISH COLUMBIA.

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Adopted 19th April, 1892, and as amended up to 1893.

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RULES,  
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OF THE  
LEGISLATIVE ASSEMBLY  
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BRITISH COLUMBIA.

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I.—REGULATION AND MANAGEMENT OF THE HOUSE.

1. The time for the ordinary meeting of the House shall be two o'clock in the afternoon of each sitting day; and if at that hour there be not a Quorum, the Speaker may take the Chair and adjourn. When the House rises on Friday, it shall stand adjourned, unless otherwise ordered, until the following Monday.

2. If at the hour of six o'clock p.m., the business of the day be not concluded, the Speaker shall leave the Chair until half-past seven, or until such other hour as may be agreed upon.

3. When the House adjourns the Members shall keep their seats until the Speaker has left the Chair

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Quorum.

4. The presence of at least Nine Members of the House, including the Speaker, shall be necessary to constitute a meeting of the House for the exercise of its powers.

Adjournment  
for want of  
quorum.

5. Whenever the Speaker shall adjourn the House for want of a quorum, the time of the adjournment, and the names of the Members then present, shall be inserted in the Journal.

Absence of  
Speaker.

6. If the Speaker, from illness or other cause, does not attend a meeting of the Assembly, a Member elected by the Assembly may preside at such Meeting until the close of such meeting, or until the Speaker himself arrives and takes the Chair; and whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during a meeting of the Assembly, on any day, he may call on any Member thereof to take the Chair and act as Speaker during the remainder of such day, unless the Speaker himself resume the Chair before the close of the sittings for that day, and the Member so elected or so called upon shall take the Chair and act as Speaker accordingly; and every Act passed, and every Order made, and thing done by the said Assembly, while such Member is acting as Speaker as aforesaid, shall be as valid and effectual to all intents and purposes as if done while the Speaker himself was presiding in the Chair.

Appointment of  
Speaker *pro*.  
*tem*.

7. In case of the absence, for any reason, of the Speaker from the Chair of the Assembly for a period of forty-eight consecutive hours, the Assembly may elect another of its Members to act as Speaker, and the Member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of the Speaker.

8. Any Stranger admitted into any part of the House or Gallery, who shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while the House, or any Committee of the whole House, is sitting, shall be taken into custody by the Sergeant-at-Arms, and no person so taken into custody is to be discharged without the special order of the House.

Conduct of  
strangers in  
House or gallery

9. Any Member may require the House to be cleared of Strangers, and the Speaker shall immediately give directions to the Sergeant-at-Arms to execute the Order without debate.

House may be  
cleared.

10. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House; in explaining a point of Order or Practice, he shall state the Rule or Authority applicable to the case.

Speaker's duties\*

11. The Speaker shall not take part in any debate before the House. In case of an equality of votes, the Speaker shall give a casting vote, and any reasons stated by him shall be entered in the Journals.

Not to join in  
debate.

Has casting  
vote.

## II.—RULES OF DEBATE.

12. Every Member desiring to speak is to rise in his place, uncovered, and address himself to the Speaker.

Order in address-  
ing the Chair.

13. When two or more Members rise to speak, the Speaker shall call upon the Member who rose first in his place; but a motion may be made that any Member who has risen "be now heard" or "do now speak."

Precedence  
when two mem-  
bers rise to  
speak.

14. A Member called to order by the Speaker shall sit down, but may afterwards explain. The House, if

Procedure when  
member "called  
to order."

appealed to, shall decide on the case, but without debate. If there be no appeal the decision of the Chair shall be final.

Rules of debate. 15. No Member shall speak disrespectfully of Her Majesty, nor of any of the Royal Family, nor of the Governor or person administering the Government of Canada, nor of the Lieutenant-Governor of this Province; nor shall he use offensive words against any Member of this House; nor shall he speak beside the question in debate. No Member shall reflect upon any vote of the House passed during the current session, except for the purpose of moving that such vote be rescinded.

Question may be read at any time. 16. Any Member may require the Question under discussion to be read at any time of the Debate, but not so as to interrupt a Member while speaking.

May only speak once to a question. 17. No Member may speak twice to a Question, except in explanation of a material part of his speech, in which he may have been misconceived, but then he is not to introduce new matter. A reply is allowed to a Member who has made a substantive Motion to the House, but not to a Member who has moved an Order of the Day, an Amendment, the Previous Question, or an instruction to a Committee, or has spoken to an Amendment to his own Motion.

### III.—CONDUCT OF MEMBERS.

Member having pecuniary interest not to vote. 18. No Member is entitled to Vote upon any question in which he has a direct pecuniary interest, and the Vote of any Member so interested shall be disallowed.

Strict order to be kept while question being put. 19 When the Speaker is putting a Question no Member shall walk out of or across the House, or make any noise or disturbance; and when a Member

is speaking no Member shall interrupt him, except to Order, nor pass between him and the Chair; and no Member may pass between the Chair and the Table, nor between the Chair and the Mace when the Mace has been taken off the Table by the Sergeant-at-Arms.

Speaker not to be interrupted, except to order.

IV.—BUSINESS OF THE HOUSE.

*Routine Business.*

20. The ordinary daily routine business in the House shall be as follows:—

Presenting Petitions.

Reading and Receiving Petitions.

Presenting Reports by Standing and Select Committees.

Motions.

Questions put by Members.

The Order of Business for the consideration of the House day by day, after the above routine, shall be as follows:—

MONDAY AND TUESDAY.

Monday, Tuesday.

Public Bills and Orders.

Private Bills.

WEDNESDAY.

Wednesday.

Private Bills.

Public Bills and Orders.

THURSDAY.

Thursday.

Public Bills in the hands of Private Members.

Public Bills and Orders.

Private Bills.

Friday.

FRIDAY.

Public Bills and Orders.

Private Bills.

Third readings.

21. Orders of the Day for the Third Reading of Bills shall take precedence of all other Orders relative to Bills of the same class for the same day, except Orders to which the House has previously given priority.

Bills reported from Committee of the Whole.

22. Bills reported from Committees of the Whole House, with Amendment, shall be placed on the Orders of the Day for consideration by the House next after the Third Readings of Bills of the same class.

Bills reported from Select, &c., Committees.

23. Bills reported after Second Reading from any Standing or Select Committee shall be placed on the Orders of the Day following the reception of the Report for reference to a Committee of the Whole House, in their proper order, next after Bills of the same class reported from Committees of the Whole House. Bills ordered by the House for reference to a Committee of the Whole House shall be placed for such reference on the Orders of the Day for the sitting following the Order of Reference in their proper order next after Bills of the same class reported from any Standing or Select Committee.

Bills for Committee.

Government orders to have precedence.

24. All items standing on the Orders of the Day shall be taken up according to the precedence assigned to each on the Order Book; the right being reserved to the Administration of placing Government Orders at the head of the list on every Order Day except Wednesday and Thursday.

Dropped orders.

25. Items not taken up when called shall be dropped. Dropped Orders shall be placed on the

Orders of the Day for the next sitting, after those of the same class at a similar stage; but notice of a Substantive Motion not taken up when called, shall be dropped from the Order Paper, but may be again introduced on two days' notice.

26. All Orders undisposed of at the adjournment of the House shall be postponed until the next sitting at which Orders of a similar class are properly taken up without a Motion to that effect. Unfinished business.

27. If at the time of the adjournment of the House, a motion on the Orders of the Day be under consideration, that question shall stand first on the Orders of the Day for the next sitting at which Orders of a similar class are properly taken up, next after the Orders to which a special precedence has been assigned by Rule or Order of the House. Business under consideration at adjournment to have precedence.

28. A Motion for reading the Orders of the Day shall have preference to any Motion before the House.

*Questions put by Members.*

29. Questions may be put to Ministers of the Crown relating to Public Affairs; and to other Members relating to any Bill, Motion, or other public matter connected with the business of the House, in which such Members may be concerned,—but in putting any such question, no argument or opinion is to be offered, nor any fact stated; and, in answering any such Question, a Member is not to debate the matter to which the same refers, and the substance of all replies made by Ministers of the Crown to questions put to them shall be written in ink and handed to the Clerk of the House, and entered in the Journals of the Session. Questions.

*Motions and Questions.*

Adjournment of  
House or debate.

30. A motion to adjourn the House or the debate shall always be in order; but no subsequent motion to the same effect shall be made until after some intermediate proceeding shall have been had; and no Member who has once moved the adjournment of a debate can make a similar motion on the same question during the same debate.

Same question  
not to be put  
twice.

31. A Motion being once made and carried in the affirmative or negative, cannot be put again in the same Session, but must stand as a Judgment of the House: Provided always that a vote in the affirmative may be rescinded, and an Order of the House discharged, on a Motion to that effect; but a vote in the negative can only be rescinded by proposing another question similar in its general purport to that which has been rejected, but with sufficient variance to constitute a new question; and the Speaker, subject to an appeal to the House, will determine whether it is substantially the same question or not.

Rescinding  
votes.

Notice of  
motion, &c.

32. Two days' Notice shall be given of a Motion for leave to present a Bill, Resolution, or Address, for the appointment of any Committee, or for the putting of a Question; but this Rule shall not apply to Bills after their introduction, or to Private Bills, or to the times of the Meeting or Adjournment of the House. But it shall apply to Motions for the Suspension of Standing Rules and Orders with reference to Private Bills. Such Notice to be laid on the Table before Six o'clock, p. m., and to be printed in the Votes and Proceedings of that Day.

Notices to be  
tabled by 6  
o'clock.

Motion without  
notice, by leave.

33. A motion may be made by unanimous consent of the House without previous notice.

34. All Motions, except a Motion to Adjourn and the Previous Question, shall be written in ink, and seconded and signed by mover and seconder, before being debated or put from the Chair. When a Motion is seconded it shall be read by the Speaker before debate.

Motions to be written and signed by mover and seconder.

35. A Member who has made a Motion may withdraw the same by the consent of the House.

Withdrawing motions.

36. A motion negatived in Committee of the Whole may be made again in the House.

37. The Previous Question until it is decided, shall preclude all amendment of the Main Question and all debate, and shall be in the following words, "That this question be now put?" If the Previous Question be resolved in the affirmative, the Original Question is to be put forthwith, without any amendment or debate.

Previous question.

38. A Motion to commit a Bill or Question until decided, shall preclude all Amendment of the Main Question.

Motion to commit Bill.

39. Whenever the Speaker is of opinion that a Motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately, and shall decline to put the Question, and quote the Rule or authority applicable to the case.

Speaker to preserve order and decide all questions.

#### PRIVILEGE.

40. Whenever any Matter of Privilege arises it shall be taken into consideration immediately.

Privilege.

#### PROCEEDINGS ON BILLS.

[Section 54, 'B. N. A. Act, 1867.'—"54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for

All Bills, &c., appropriating public revenue to originate by Message.

“the appropriation of any part of the Public Revenue,  
 “or of any Tax or Impost, to any purpose that has  
 “not been first recommended to that House by Mes-  
 “sage of the Governor-General in the Session in which  
 “such Vote, Resolution, Address, or Bill is pro-  
 “posed.”]

Introduction of  
 Bills.

41. Every Bill shall be introduced upon Motion for leave, specifying the Title of the Bill, or upon Motion to appoint a Committee to prepare and bring it in, neither of which Motions shall require a seconder.

Bills must be  
 complete.

42. No Bill may be introduced either in blank or in imperfect shape.

Bills relating to  
 trade, &c., to  
 originate in  
 Committee of  
 the Whole.

43. No Bill relating to Trade, or the alteration of the laws concerning Trade, is to be brought into the House until the proposition shall have been first considered in a Committee of the Whole House, and agreed unto by the House.

Bills affecting  
 the Constitution.

44. Any Bill affecting the Constitution must be introduced by a Member of the Government or with the sanction of the Government.

Motions recom-  
 mending ex-  
 penditure of  
 public money.

45. No Resolution leading up to the expression of an express or abstract opinion of the House recommending the Expenditure of the Public Money, shall be put from the Chair, unless recommended by the Crown.

Bill negatived  
 not to be intro-  
 duced again.

46. A Bill having been negatived shall not be again introduced in the same Session.

First reading,  
 not debateable.

47. When a Bill is presented by a Member, in pursuance of an Order of the House, the question, “That this Bill be *now* read a First time,” shall be decided without amendment or debate.

48. No Bill shall be read the Second time until it has been printed and distributed, and has been subsequently marked on the Orders of the Day—thus, **PRINTED** (*Signifying that it has been printed and distributed.*)

Second reading after Bill printed and distributed.

49. When a Bill has been amended in Committee of the Whole House, or by any Select or Standing Committee, it shall be re-printed as amended; and when the Bill has been sent to be re-printed, it shall be marked on the Orders of the Day—thus, **NOT RE-PRINTED**; and shall not be further proceeded with until that mark has been removed and the word **PRINTED** substituted (*Signifying that the Bill has been re-printed and distributed.*)

Bills amended in Committee to be re-printed.

50. Every Bill shall receive three several readings, on different days, previously to being passed. After the Second Reading it shall be ordered for committal on a subsequent day. On urgent or extraordinary occasions, a Bill may be read twice or thrice, or advanced two or more stages in one day.

Bills to receive three readings before passage.

Urgency cases.

51. When a Bill is read in the House, the Clerk shall certify upon it the readings and the time thereof. After it is passed, he shall certify the same, with the date, at the head of the Bill.

Clerk to certify on Bill the stage it has passed.

52. Every Bill shall be read Twice in the House before committal or amendment.

Bill to be read twice before committal.

53. In proceedings in Committee of the Whole House upon Bills, the preamble shall be first postponed, and then every clause considered by the Committee in its proper order—the preamble and title to be last considered; but clauses postponed in Committee may be taken up at the same sitting after the other clauses have been disposed of and before the Bill has been reported to the House.

Proceedings in Committee of the Whole.

Amendments to be reported. 54. All amendments made in Committee shall be reported by the Chairman to the House, which shall receive the same forthwith. After Report, the Bill shall be open to debate and amendment, on a subsequent day, before it is ordered for a Third Reading. But when a Bill is reported without amendment, it is forthwith ordered to be read a Third time, at such time as may be appointed by the House. Whenever any Bill shall be presented to the Lieutenant-Governor for his assent thereto, he may return the same by Message for the re-consideration of the Assembly, with such amendments as he may think fitting.

Re-committal. 55. When the Order of the Day for the Third Reading of any Bill is read, any Member desiring to re-commit the same must move to discharge the Order and to re-commit the Bill, and, upon such motion being resolved in the affirmative, the Member shall give notice of the instructions proposed to be given (if any), and such instructions shall not be taken into consideration before the next sitting of the House.

Duties of Law Clerk. 56. It shall be the duty of the Law Clerk of the House to revise all Bills after their First Reading, and to certify thereon that the same are correct; and in every subsequent stage of such Bills the Law Clerk shall be responsible for the correctness of Bills, should they be amended.

#### PRIVATE BILLS.

Petitions for Private Bills. 57. No Petition for any Private Bill shall be received by the House after the first two weeks of each Session; nor may any Private Bill be presented to the House after the first three weeks of each Session; nor may any Report of any Standing or Select Committee upon a Private Bill be received after the first four weeks of each Session. And no Motion for the

suspension or modification of this Rule shall be entertained by the House until the same has been reported on by the Committee on Standing Orders, or after reference made thereof at a previous sitting of the House to the Standing Committees charged with consideration of Private Bills, who shall report thereon to the House. And if this Rule shall be suspended or modified as aforesaid, the promoters of any Private Bill which is presented after the time hereinbefore limited, or for which the Petition has been received after the time hereinbefore limited, shall in either case pay double the fees required in respect of such Bill by Rule 65 of these Rules, unless the House shall order to the contrary.

Suspension of this rule.

58. The Clerk of the House shall, during each Recess of Parliament, publish weekly in the British Columbia Gazette the following Rules respecting Notices of intended applications for Private Bills, and in other newspapers the substance thereof; and shall also, immediately after the issue of the Proclamation convening Parliament for the dispatch of business, publish in the British Columbia Gazette, and in other newspapers, as aforesaid, until the opening of Parliament, the day on which the time limited for receiving Petitions for Private Bills will expire, pursuant to the foregoing Rule; and the Clerk shall also announce, by notice affixed in the Committee Rooms and Lobbies of this House, by the first day of every Session, the time limited for receiving Petitions for Private Bills, and Private Bills, and Reports thereon.

Notice of rules affecting Private Bills to be published.

59. All applications for Private Bills, properly the subject of legislation by the Legislative Assembly of British Columbia within the purview of "The British North America Act, 1867," whether for the erection of a bridge, the making of a railway, tramway,

Notice of application for Private Bills to be advertised.

turnpike road, telegraph or telephone line, the construction or improvement of a harbour, canal, lock, dam, slide, or other like work; the granting of a right of ferry; the incorporation of any particular trade or calling, or of any joint stock company; or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights of property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act, shall require a notice, clearly and distinctly specifying the nature and object of the application; and, where the application refers to any proposed work, indicating generally the location of the work, and signed by or on behalf of the applicants, such notice to be published as follows, viz.:—In the British Columbia Gazette and in one newspaper published in the District affected, or if there be no newspaper published therein then in a newspaper in the next nearest district in which a newspaper is published. Such notice shall be continued in each case for a period of at least six weeks during the interval of time between the close of the next preceding Session and the consideration of the Petition; and copies of such notice shall be sent by the parties inserting such notice to the Clerk of the House, to be filed amongst the records of the Committee on Standing Orders.

Copy of notice  
to be filed with  
Clerk of the  
House.

Further particulars  
to be given  
when Bill for a  
toll-bridge.

60. Before any Petition praying for leave to bring in a Private Bill for the erection of a toll-bridge is received by the House, the person or persons intending to petition for such Bill shall, upon giving the notice prescribed by the preceding Rule, also at the same time and in the same manner give notice of the

rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a drawbridge or not, and the dimensions of the same.

61. All Private Bills for Acts of Incorporation shall be so framed as to incorporate by reference the clauses of the General Acts relating to the details to be provided for by such Bills:—Special grounds shall be established for any proposed departure from this principle, or for the introduction of other provisions as to such details, and a note shall be appended to the Bill indicating the provisions thereof in which the General Act is proposed to be departed from. Bills which are not framed in accordance with this Rule shall be re-cast by the promoters and re-printed at their expense before any Committee passes upon the clauses.

Private Bills to be framed with reference to General Acts relating to same.

62. Petitions for Private Bills, when received by the House, are to be taken into consideration (without special reference) by the Committee on Standing Orders, which is to report, in each case, whether the Rules with regard to notice have been complied with; and in every case where the notice shall prove to have been insufficient, either as regards the Petition as a whole or any matter therein which ought to have been specially referred to in the notice, the Committee is to recommend to the House the course to be taken in consequence of such insufficiency of notice.

Petitions referred to and considered by Committee on Standing Orders.

63. All Private Bills are introduced on Petition, and presented to the House upon a motion for leave, after such Petition has been favourably reported on by the Committee on Standing Orders.

Introduction of Private Bills.

64. When any Bill for confirming any Letters Patent or Agreement is presented to the House, a true copy of such Letters Patent or Agreement must be attached to it.

Fees and costs.

\$100 before first reading

\$100 after second reading.

100 copies of the Bill to be deposited with the Clerk.

65. The expenses and costs attending on Private Bills giving any exclusive privilege, or for any object of profit, or private, corporate, or individual advantage; or for amending, extending, or enlarging any former Acts, in such manner as to confer additional powers, ought not to fall on the public; accordingly, the parties seeking to obtain a Private Bill shall pay the Clerk of the House the sum of one hundred dollars before the First Reading thereof; and an additional sum of one hundred dollars immediately after the Second Reading thereof. And no such Bill shall be read a First time, or committed after Second Reading, until the fees payable on the First or Second Reading respectively are paid to the Clerk, and all such Bills shall be prepared by the parties applying for the same, and printed in small pica type, twenty-six ems by fifty ems, on good paper, in Imperial octavo form, each page when folded measuring  $10\frac{3}{4}$  inches by  $7\frac{1}{2}$  inches, and 100 copies thereof shall be deposited with the Clerk of the House immediately before the First Reading. If amendments are made to any Bill during its progress before the Committee on Private Bills, or through the House, such Bill shall be re-printed by the promoters thereof.

Bills referred after first reading to Standing Committee.

66. Every Private Bill, when read a first time, shall, on motion, be referred to the Committee on Private Bills, if any such shall have been appointed, or to some other Standing Committee of the same character; and all Petitions before the House for or

against the Bill are considered as referred to such Committee; and no Committee on Private Bills shall hear objections against any Private Bill unless the persons promoting the Bill shall have received three days' notice, either personally or through their Agents, of the nature of such objections, or the objections have been founded on Petition to the House; but Petitions for or against any Private Bill may be considered by the House if presented to the House after such Bill has been reported to the House.

Petitions for and against the Bill referred to same Committee.

Proceedings when Bill opposed.

67. No Committee on any Private Bill, of which Notice is required to be given, is to consider the same until after five clear days' Notice of the sitting of such Committee has been first affixed in the Lobby; such Bill having been first printed and distributed to Members. And no Motion for any general suspension or modification of this Rule shall be entertained by the House, unless after reference made thereof at a previous sitting of the House, to the Standing Committee on Private Bills, or upon Report submitted by such Committee.

Bill to be posted 5 days before considered by the Committee.

Suspension of this rule.

(a.) On the day of the posting of any Bill under this Rule, the Clerk of the House shall append to the Printed Votes and Proceedings of the day a Notice of such posting, and also a Notice of Meetings of any of the Standing Committees charged with the consideration of Private Bills, or Petitions therefor, that may have been appointed for the following day.

Notice of posting and of meetings of the Committee to be given.

68. A copy of the Bill containing the Amendments proposed to be submitted to the Standing Committee shall be deposited with the Clerk of the House one clear day before the meeting of the Committee thereupon.

Copy of Bill, with proposed amendments, to be left with Clerk.

All persons whose interests are affected to appear before Committee when cited.

69. All persons whose interest or property may be affected by any Private Bill shall, when required so to do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such Committee. In every case, the Committee upon any Bill for incorporating a Company may require proof that the persons whose names appear in the Bill as composing the Company are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

Majority of Committee to decide all questions.

70. All Questions before Committee on Private Bills are decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman has a second or casting vote.

Variance between Bill and notice to be reported.

71. It is the duty of a Select Committee to which any Private Bill may be referred by the House to call the attention of the House specially to any provision inserted in such Bill that does not appear to have been contemplated in the Notice for the same, as reported upon by the Committee on Standing Orders.

Bills to be reported with amendments.

72. The Committee to which a Private Bill may have been referred shall report the same to the House in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration, and the reasons for the same, are to be stated in the Report.

Report when preamble not proved.

73. When the Committee on any Private Bill report to the House that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived

at such a decision; and no Bill so reported upon shall be placed upon the Orders of the Day, unless by special order of the House.

(a.) Private Bills, otherwise reported to the House by such Committee, shall be placed upon the Orders of the Day following the reception of the Report, for a Second Reading in their proper order next after Bills referred to a Committee of the Whole House.

Second reading of Bills reported proved.

(b.) But no Private Bill which proposes to set aside or appropriate any Crown lands shall be read a Second time until the same has been referred to a Committee of the Whole House (with the consent of the Government), and a resolution has been reported to and adopted by the House recommending the appropriation; and no suspension of this rule shall be made unless two days' notice of the same shall be given, and the motion adopted by unanimous consent of the House.

74. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the Amendments are fairly written, and shall also sign with the initials of his name the several amendments made and Clauses added in Committee.

Chairman to sign copy Bill with amendments.

75. No important Amendment may be proposed to any Private Bill, in a Committee of the Whole House, or at the Third Reading of the Bill, unless one day's notice of the same shall have been given, except the Member in charge of the Bill consents thereto.

Notice to be given of proposed amendments.

76. A Book, to be called "The Private Bill Register," shall be kept by the Clerk, in which shall be entered by the Clerk the name, description and place of residence of the parties applying for the Bill, or of their Agent, and all the proceedings thereon, from the Petition to the passing of the Bill; such

Private Bill Register to be kept by the Clerk.

entry to specify briefly each proceeding in the House, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book to be open to public inspection daily, during office hours.

Clerk to post up daily lists of Private Bills and Petitions to be considered by Committees.

77. The Clerk shall prepare, daily, lists of all Private Bills, and Petitions for such Bills, upon which any Committee is appointed to sit, specifying the time of the meeting and the room where the Committee shall sit; and the same shall be hung up in the Lobby.

Parliamentary Agents.

78. Every Parliamentary Agent conducting proceedings before the House, shall be personally responsible to the House and to the Speaker, for the observance of the Rules, Orders and Practices of Parliament, and any Rules prescribed by the Speaker, and also for the payment of all fees and charges, and he shall not act as Parliamentary Agent until he shall have received the express sanction and authority of the Speaker, who may revoke the same at pleasure.

To obtain authority from Speaker.

Misconduct of agents.

79. Any Agent who shall wilfully act in violation of the Rules and Practice of Parliament, or of any Rules prescribed by the Speaker, or who shall wilfully misconduct himself in prosecuting any proceedings before the House, shall be liable to an absolute or temporary prohibition to practice as a Parliamentary Agent, at the pleasure of the Speaker.

#### *Committees.*

List of Select Committees to be posted.

80. The Clerk of the House shall cause to be affixed, in some conspicuous part of the House, a list of the several Standing and Select Committees appointed during the Session.

81. In forming a Committee of the Whole House, the Speaker, before leaving the Chair, shall appoint a Chairman to preside, who shall maintain order in the Committee; and the Rules of the House shall be observed in Committee of the Whole House, so far as may be applicable, except the rule limiting the number of times of speaking and the rule requiring Amendments to be seconded.

Formation of  
and order to be  
observed in  
Committee of  
the Whole.

82. Questions of order arising in Committee of the Whole House shall be decided by the Chairman, subject to an appeal to the House; but disorder in a Committee can only be censured by the House on receiving a report thereof. Words used in Committee to be reported to the House must be taken down in writing.

Chairman to de-  
cide questions of  
order arising in  
Committee.

83. A Motion "That the Chairman leave the Chair" shall always be in order, and shall take precedence of any other Motion.

Motion "That  
Chairman leave  
the chair" al-  
ways in order.

84. No Select Committee may, without leave of the House, consist of more than Five Members, and the Mover may submit the names to form the Committee, unless objected to by Five Members; if objected to, the House shall name the Committee in the following manner:—each Member to name one, and those who have most voices, with the mover, shall form the same; but it shall be always understood that no Member who declares or decides against the principle or substance of a Bill, Resolution, or matter to be committed, can be nominated of such Committee.

Formation of  
Select Commit-  
tees.

85. Of the number of Members appointed to com- pose a Committee, a majority of the same shall be a Quorum, unless the House has otherwise ordered.

Quorum.

Reports, how  
made.

86. Reports from Standing and Select Committees may be made by Members standing in their places, and without proceeding to the Bar of the House.

Proceedings and  
voting in Com-  
mittee.

87. In the proceedings before a Standing or Select Committee, the Chairman shall vote like any other Member, and if the number on a division be equal, the question shall be declared negatived.

#### WITNESSES.

Witnesses before  
Committees.

88. The Clerk of the House is authorized to pay out of the Contingent Fund to Witnesses summoned to attend before any Select Committee of the House, except in the case of Private Bills, a reasonable sum per diem, to be determined by the Speaker, (the daily rate if allowed to be the same in all cases) during their attendance, and a reasonable allowance for travelling expenses, upon any certificate or order of the Chairman of the Committee before which such witnesses have been summoned; but no witness shall be so paid unless a certificate shall have first been filed with the Chairman of such Committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important; and no such payment shall be made in any case without the authority of the Speaker, which shall be signified by the endorsement of the Speaker upon the aforesaid certificate; and when any witness shall have been in attendance during three days, if his presence is still further required, recourse shall again be had to the Chairman of the Committee, and so on, every three days.

#### DIVISIONS.

No debate after  
division bell  
rung.

89. On the Speaker ringing the bell for a division, no further debate shall be admitted.

90. Upon a division, the Yeas and Nays shall not be entered upon the Journals unless demanded by three members. Recording vote.

PETITIONS.

91. Petitions to the House shall be presented by a Member in his place, who shall be answerable that they do not contain impertinent or improper matter, and shall certify the same by endorsement. Members presenting petitions answerable for same.

92. Every Member offering to present a Petition to the House shall endorse his name thereupon, and confine himself to a statement of the parties from whom it comes, the number of signatures attached to it, and the material allegations it contains. Copies of Petitions and Petitions containing blanks or alterations will not be received. Petitions may be either written or printed; provided always that the signatures of at least three Petitioners are subscribed on the sheet containing the prayer of the Petition, except in the case of a single Petitioner or a Corporation. Procedure on presenting petition. Form of petition. To be signed by petitioners.

93. No Petition can be received which prays for any expenditure, grant, or charge on the public revenue, whether payable out of the Consolidated Revenue Fund or out of moneys to be provided by the House. Petitions for expenditure of public money not to be received.

94. Every Petition, not containing matter in breach of the privileges of the House, and which according to the rules or practice of the House can be received, shall be brought to the table by direction of the Speaker, who cannot allow any debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the table, if required; or if it complain of some present personal grievance, requiring an immediate remedy, the matter contained therein may be brought into immediate discussion. Reading and receiving petition. No debate

## AID AND SUPPLY.

Committee of  
Supply.

Committee of  
Ways and Means.

95. The Committees of Supply and of Ways and Means shall be appointed on motion, without previous notice, at the commencement of every Session, as soon as an Address has been agreed to in answer to the Speech of His Honour the Lieutenant-Governor.

All motions for  
public aid to be  
considered in  
Committee of  
the Whole, be-  
fore debate.

96. If any Motion be made in the House for any Public Aid or Charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned till such further day as the House shall think fit to appoint, and then it shall be referred to a Committee of the Whole House before any Resolution or Vote of the House do pass thereupon.

## V.—OFFICERS AND SERVANTS OF THE HOUSE.

Officers to com-  
plete the Ses-  
sion's work.

97. It shall be the duty of all the Permanent Officers of this House to complete and finish the work remaining at the close of the Session.

Duties of the  
Clerk of the  
House.

Records.

Officers, &c.

98. The Clerk of the House shall be responsible for the safe keeping of all the Papers and Records of the House, and shall have the direction and control over all the Officers and Clerks employed in the offices, subject to such orders as he may from time to time receive from the Speaker or the House.

Orders and  
Votes.

99. The Clerk of the House shall place on the Speaker's table every morning, previous to the meeting of the House, the Order of the Proceedings for the Day.

Sessional Re-  
ports.

100. It shall be the duty of the Clerk to make and cause to be printed, and delivered to each Member at the commencement of every Session of Parliament, a List of the Reports, or other periodical Statements which it is the duty of any Officer or Department of

the Government, or any Corporate Body, to make to the House, referring to the Act or Resolution and page of the volume of the Laws or Journals wherein the same may be ordered, and placing under the name of each Officer or Corporation a List of Reports or Returns required of him or it to be made, and the time when the Report or periodical Statement may be expected.

101. The Sergeant-at-Arms attending this House shall be responsible for the safe keeping of the Mace, Furniture, and fittings thereof, and for the conduct of the Messengers and inferior Servants of the House. Sergeant-at-Arms.

102. No Stranger who shall have been committed by Order of the House to the custody of the Sergeant-at-Arms shall be released from such custody until he has paid a Fee of Five Dollars to the Sergeant-at-Arms. Discharge of strangers committed to custody of Sergeant.

103. No allowance shall in future be made to any person in the employ of this House, who may not reside at the Seat of Government, for travelling expenses in coming to attend his duties. Officers not allowed mileage.

## VI.—LIBRARY.

104. A proper catalogue of the books belonging to the Library shall be kept by the Librarian or person in whom the custody and responsibility thereof shall be vested, who shall report to the House, through the Speaker, at the opening of each Session, the actual state of the Library. Librarian.

105. No person shall be entitled to resort to the Library during a Session of Parliament, except the Lieutenant-Governor, the Members of the Executive Persons entitled to use library.

Council and Legislative Assembly, the Officers of the House, and such other persons as may receive a written order of admission from the Speaker. Members may personally introduce strangers to the Library during the day-time, but not after the hour of six o'clock p.m.

Books not to be removed from the House.

106. During a Session of Parliament, no books belonging to the Library shall be taken out of the building, except by the authority of the Speaker, or upon receipt given by a Member of the House.

Attorney-General to have charge of Library during recess.

107. During the recess of Parliament, the Library shall be under the charge of the Attorney-General, and access to the Library shall be permitted to persons introduced by a Member of the Legislature, or admitted at the discretion of the Attorney-General, subject to such regulations as may be deemed necessary for the security and preservation of the collection, and such others as may be authorized by the Speaker, but no such person shall be allowed to take any book out of the House.

Use of books by members during recess.

108. During the recess of Parliament, no Member of the House shall be at liberty to borrow, or have in his possession at any one time, more than three works from the Library, or to retain the same for a longer period than one month. No books of reference or books of special cost or value may be removed from the Library under any circumstances.

Librarian to report all books missing.

109. At the first meeting of the Library Committee, in each Session of the Legislature, the Librarian shall report a list of the books absent at the commencement of the Session, specifying the names of any persons who have retained the same, in contravention of any of the foregoing Rules.

UNPROVIDED CASES.

110. In all unprovided cases, the Rules, Usages, English rules to and Forms of the House of Commons of the United apply in unprovided cases. Kingdom of Great Britain and Ireland shall be followed.

SESSIONAL ORDERS.

111. *Resolved*, That if it shall appear that any Bribery and corrupt practices at person hath been elected or returned a Member of elections. this House, or endeavoured so to be, by bribery or other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

112. *Resolved*, That the offer of any money or Attempts to corrupt members. other advantage to any Member of this House for the promoting of any matter whatsoever depending or to be transacted in Parliament is a high crime and misdemeanor, and tends to the subversion of the Constitution.

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# SPEAKERS' DECISIONS.

—O—

*1877*  
FROM ~~1887~~ TO 1893.

—

REPORTED BY THORNTON FELL,

CLERK, LEGISLATIVE ASSEMBLY.

—

Victoria, 10th August, 1893.

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SPEAKERS.

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—O—

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HON. JAS. TRIMBLE	-	-	-	1872 TO 1877
HON. F. W. WILLIAMS	-	-		1878 TO 1882
HON. J. A. MARA	-	-	-	1883 TO 1886
HON. C. E. POOLEY	-	-	-	1887 TO 1889
HON. D. W. HIGGINS	-	-	-	1890 TO

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## TABLE

Showing the duration of the Sessions of the  
Legislative Assembly in each year since  
Confederation.

The figures in the first column show the number of days over which the Session extended.

The figures in the second column show the number of days upon which the House sat.

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1872, began 15 February and prorogued 11 April .....	55	44 days.
1873, " 17 December " 21 February .....	66	38 "
1874, " 18 December " 2 March .....	74	42 "
1875, " 1 March " 22 April .....	52	32 "
1876, { " 10 January " 1 February .....	65	37 "
{ " 6 April " 19 May .....		
877, " 21 February " 18 April .....	57	40 "
1878, { " 7 February " 10 April .....	61	43 "
{ " 29 July " 2 September .....	35	20 "
1879, " 29 January " 29 April .....	90	52 "
1880, " 5 April " 8 May .....	33	27 "
1881, " 24 January " 25 March .....	60	38 "
1882, " 23 February " 21 April .....	57	31 "
1883, " 25 January " 12 May .....	107	57 "
1884, " 3 December " 18 February .....	77	38 "
1885, " 12 January " 9 March .....	56	34 "
1886, " 25 January " 5 April .....	70	44 "
1887, " 24 January " 7 April .....	74	43 "
1888, " 27 January " 28 April .....	92	55 "
1889, " 31 January " 6 April .....	66	40 "
1890, " 23 January " 26 April .....	94	54 "
1891, " 15 January " 20 April .....	96	61 "
1892, " 28 January " 23 April .....	86	52 "
1893, " 26 January " 12 April .....	77	48 "



## BILLS.

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*The Standing Orders Committee must report before the Rules relating to the introduction of Private Bills can be suspended.*

Moved by Mr. Duck, seconded by Mr. Anderson,—  
 That the Standing Orders be suspended and leave  
 granted to present a Petition from the Municipal  
 Council of the City of Victoria, for leave to introduce  
 a Private Bill.

19th March,  
 1888.

Journals, p. 58.

Mr. Speaker POOLEY—The motion is out of order.  
 The Standing Rules and Orders cannot be suspended  
 to enable a Petition for a Private Bill to be presented  
 until the Committee on Standing Orders have re-  
 ported upon the matter. (See Rule 53.)

(New Rule 67.)

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*Bill introduced on motion, two days' notice unnecessary.*

Mr. Speaker WILLIAMS—After a Private Bill has  
 been favourably reported upon by the Committee on  
 Standing Orders, the Bill may be introduced upon a  
 motion for leave, without giving two days' notice.  
*Todd's Private Bill Practice*, 54.

13th April, 1880.  
 Journals, p. 13.

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*The rule requiring the distribution of Private Bills after the first reading is still in force.*

7th March, 1892. Mr. Speaker HIGGINS—Rules 56 and 57 were not Journals, p. 42. repealed by the Order of the House of 22nd March, (New Rules 65 & 1886. They were amended in every essential particular except that which requires a Private Bill to be distributed after the first reading. There being no reference in the amended rules to the distribution of a Bill, I am of opinion that the practice which has prevailed in this House for many years should be adhered to.

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*A Bill cannot be committed upon the same day it is read a second time.*

27th February, 1891. Point of order—"Can a Bill be committed upon the same day it is read a second time?" Journals, p. 55.

Mr. Speaker HIGGINS—I am asked to rule on a point raised by the Honourable the President of the Council—"Whether a *Private* Bill may be sent to a Committee of the Whole immediately after or on the same day it has been read a second time?"

(New Rule 52.) Rule 44 of this House requires that every *Public* Bill shall be read twice in the House before commitment or amendment; and

*May* (9th edition), page 758, says:—"Private Bills \* \* \* in every separate stage, when they come before either House, are treated precisely as if they were *Public* Bills. They are read as many times, and similar questions are put, except when any proceeding is specially directed by the Standing Orders; and the same rules of debate and procedure are maintained throughout."

The same authority (page 552) says :—"When a Bill has been read a second time, a question is put—"That this Bill be committed?" which is rarely opposed, being a *mere formal sequel* to the second reading, not admitting of any discussion of the merits of the Bill itself. When this question has been agreed to, *a day is named* for the committee. When the *order of the day* is read in the Commons, for the House to resolve itself into a committee on the Bill, the Speaker puts the question—"That I do now leave the Chair?"

*Bourinot*, although not an authority in this House, is of value in the elucidation of the point raised, as showing the practice of the Canadian House of Commons. That authority (page 532) says :—

"When a Bill has been read a second time (short) by the Clerk, the *next question* will be proposed—"That the House go into Committee on the Bill on ——— next?" which motion generally passes, *nem con.*, like all such formal motions, though it is quite regular to move an amendment as to the time of committal. When the order of the day for committee has been reached and called in due form, the Speaker will put the question—"That I do now leave the Chair?"

I have no hesitation in ruling that, under *May*, a Bill, whether Public or Private, cannot be committed except it is on the orders of the day for such committal; that it cannot be committed the same day on which it has been read a second time; and that the words "a mere formal sequel" mean the *order for committal*, for which a day is set, and not the committal of the Bill immediately after the second reading, as has been the practice in this House for some years, when dealing with Public Bills.

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*A Bill having been altered between introduction and second reading, not allowed to proceed.*

2nd April, 1889. Pursuant to Order, Mr. T. Davie moved,—  
Journals, p. 75. That Bill (No. 13) intituled “An Act to amend the ‘Supreme Court Act,’” be read a second time now.

Mr. Beaven objected to the Bill being allowed to proceed, on the following grounds:—

1. That the Bill now being considered was not the same Bill as introduced.

2. That the Bill dealt with the constitution of Courts, and, therefore, interfered with the prerogatives of the Government, and could not be introduced by a Private Member.

Mr. Speaker POOLEY reserved his decision on the second point, but considered the first point well taken, and ruled the Bill out of order.

*It is not necessary to give notice of amendments to Bills to be proposed in Committee of the Whole.*

7th March, 1881. Mr. Speaker WILLIAMS gave his decision in answer  
Journals, p. 30. to the question “Is notice of amendments offered to Bills in Committee necessary?” as follows:—

I am of opinion that no such notice is required.  
(New Rule 32.) Rule 30 states that the Rule which requires notice of motion to be given is not to apply to Bills after their introduction. *May* is silent on the subject, but states, on page 529, that on the consideration of the Report on any Bill, no clause or important amendment may be added without notice having been first given. I imply from this that if notice was required on the same amendments being offered in Committee, it would have been so stated.

*Any amendment or clause may be moved in Committee of the Whole, provided they are within the title and scope of the Bill.*

Bill (No. 42) "An Act to amend the Assessment Acts," read a second time and committed. 22nd March, 1887.

Upon Mr. Speaker resuming the Chair, Mr. Thomson, Chairman of the Committee, reported progress and asked leave to sit again; also that objection had been taken in Committee to the right of a Member to move as new clauses to the Bill clauses contained in a Bill already on the Orders of the Day for a second reading; and that the Committee desired Mr. Speaker to decide the point of order. Journals, p. 62.

Mr. Speaker POOLEY—It is competent for any Member to move amendments, or to add new clauses, so long as they are within the title and scope of the Bill under consideration.

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*A Bill passed third reading is not open to amendment.*

Pursuant to Order, the adjourned debate on the question—"That Bill (No. 20) intituled 'An Act respecting the Profession of Medicine and Surgery,' do now pass," was resumed. 29th March, 1889.

Mr. Speaker POOLEY gave the following decision on the question:—

"Can an amendment be moved to the question 'That the Bill do pass?'"

In *May*, 8th edition, page 536, the following words appear:—

"This question has sometimes passed in the negative, after all the previous stages of the Bill have been agreed to; but though amendments have been

“proposed, and debates and divisions have occasionally taken place, it is not usual to divide upon it,” and (*May*, 9th edition, page 582) “if it be put in the case of a severely contested Bill, no amendment is permissible.” This quotation from the 9th edition appears to be authorized by the ruling of the Speaker of the House of Commons, given on the 28th February, 1881.

(New Rule 110.) By section 93 of our Rules and Orders, “In all unprovided cases, the rules, usages, and forms of the House of Commons of the United Kingdom of Great Britain and Ireland shall be followed.”

It appears to me, therefore, that an amendment is out of order at this stage; the ruling of the Speaker before referred to is based upon the then existing rules and usages of the House, and not upon any new rule.

I also find in *Bourinot*, edition of 1884, p. 551, that a member, at this stage of a Bill, “proposed to send a Bill respecting Insolvency back to Committee, but the Speaker ruled that such an amendment was inadmissible at that stage, the third reading having been agreed to.”

Bill read a third time and passed.

---

*“Legal Professions Bill” held to be a Private Bill.*

24th February,  
1881.  
Journals, p. 25.

Objection to the second reading of Bill (No. 16) intituled “An Act relating to the Legal Professions,” as being a Private Bill.

Mr. Speaker WILLIAMS—I am of opinion that this Bill is a Private Bill.

In England, Bills relating to the legal profession, and dealing with the Incorporated Law Society, are

introduced and passed as Public Bills, being considered as relating to the Administration of Justice, and indexed under that head in the Public General Statutes. For instance, *see* "The Solicitors' Act, 1877."

In our Legislature, every Bill introduced respecting the Legal Professions has (without objection) been introduced as a Public Bill. By our Rules (*see* (New Rule 110.) Rule 93), it is laid down that, in unprovided cases (that is, in cases not provided for by our own Rules), the Rules of the House of Commons of the United Kingdom shall be followed. But one of our Rules (No. 50) distinctly provides that—

"50. All applications for Private Bills \* \* \* (New Rule 59.)  
 "for the incorporation of any particular trade or  
 "calling, \* \* \* or relating to any particular  
 "class of the community, \* \* \* or for making  
 "any amendment of a like nature to any former  
 "Act, \* \* \* shall require a notice," &c.

And the Bill in question, which is intended to incorporate all Barristers and Solicitors in British Columbia, under the name of the "Incorporated Law Society of British Columbia," seems to me to be directly subject to that Rule. I therefore decide that the Bill is of a private nature, and requires notice.

---

*"Legal Professions Bill" held to be a Public Bill.*

Mr. McTavish moved the second reading of Bill 16th April, 1883.  
 (No. 23) intituled "An Act relating to the Legal Journals, p. 59.  
 Professions."

Mr. Beaven objected to the Bill being proceeded with as being a Private Bill.

Mr. Speaker MARA ruled it to be a Public Bill, and could be proceeded with as such.

*Bill respecting the profession of Medicine and Surgery  
not a Private Bill.*

25th February,  
1886.  
Journals, p. 36. According to Order, the adjourned debate on the motion for the second reading of Bill (No. 6) intituled "An Act respecting the profession of Medicine and Surgery" was resumed.

Mr. Beaven objected to the Bill being proceeded with as being a Private Bill.

Mr. Speaker MARA ruled that the Bill was in the interests of the public, and could be proceeded with as such.

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*Bill relating to Architects held to be a Public Bill.*

31st March, 1892.  
Journals, p. 84. Bill (No. 56) intituled "An Act respecting the profession of Architects."

*Point of Order*—"That the Bill was a Private Bill."

Mr. Speaker HIGGINS—I have been asked if Bill No. 56, relating to Architects, is properly before the House, the contention being that it should have been brought in as a Private Bill.

I find that the Dental Bill, the Medical Bill, the Pharmaceutical Bill, and the Legal Professions Bill were all introduced as public measures. In the Session of 1881, objection being made to the Legal Professions Bill that it should have come in as a Private Bill, Mr. Speaker WILLIAMS (p. 25, Journals of the House) sustained the objection.

In Session of 1883 (p. 59, Journals of the House), Mr. Speaker MARA ruled that a Bill intituled "An Act relating to the Legal Professions" was a Public Bill.

In the Session of 1886 (p. 36, Journals of the House), objection was taken to proceeding with a

Bill respecting the profession of Medicine and Surgery, on the ground that it was properly a Private Bill. Mr. Speaker MARA held that the Bill was in the interest of the public, and could be proceeded with as such.

The weight of the authorities and precedents established by this House is in favour of Bill No. 56 being a Public Bill, and I so rule.

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*A Bill to amend or repeal a Private Bill may be introduced by the Government as a Public Bill, but not by a private member.*

The Honourable Mr. Robson, Provincial Secretary, asked leave to introduce a Bill (No. 7) intituled "An Act to repeal (in part) the 'Sumas Dyking Act, 1878.'" 14th February,  
1887.  
Journals,  
pp. 18, 21.

Mr. Beaven objected to the introduction of the Bill on the ground that, the "Sumas Dyking Act, 1878," being a Private Bill, it could not be amended or repealed by a Public Bill.

Mr. Speaker POOLEY reserved his decision on the point of order raised.

On the 15th February, 1887, Mr. Speaker POOLEY gave his reserved decision on the point of order, deciding the Honourable Mr. Robson to be quite within his rights in introducing the Bill.

Bill introduced and read a first time.

Ordered to be read a second time on Thursday next

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*Amending Private Bill by Public Bill sent down by Message.*

21st April, 1892. Bill (No. 76) intituled "An Act respecting the  
Journals, p. 136. Canadian Western Central Railway Company and the Canadian Northern Railway Company."

*Objection*—That it was incompetent to amend a Private Bill by a Public one.

*Decision.*

Mr. Speaker HIGGINS—The objections raised by the Hon. Senior Member for Vancouver (Mr. Cotton) to this Bill might prevail had the Bill been introduced by a private Member, or had it sought to alter the time or enlarge the area of the land grant of the Canadian Western Company acquired under the Act of 1889. But Bill (No. 76) only proposes to extend the time limit for the commencement of construction work imposed by the Act of 1889, and does not disturb any other of the conditions of that Act. Moreover, the Bill came down by Message from the Lieutenant-Governor, and being a Government measure is not assailable on the grounds stated by the Hon. Member. (Precedent quoted, Bill introduced Session 1879 to amend the "Sumas Dyking Act, 1878." The Dyking Act, 1878, was a Private Act. The Bill to amend was a Public one.)

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10th April, 1893. Bill (No. 89) intituled "An Act to amend a Private  
Journals, p. 124. Bill, viz.: the 'Consumers' (Nelson) Water-works Act, 1892,'" was read a second time.

Mr. Beaven raised the point of order that it was not competent to amend a Private Bill by a Public

Bill unless a question of Government aid or assistance was involved.

Mr. Speaker HIGGINS overruled the objection, and allowed the mover to proceed with the Bill.

NOTE.—The Bill was introduced by Hon. T. Davie, Premier and Attorney-General.

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*A private member cannot amend a Private Act by a Public Bill.*

Upon the order of the day being read for the 25th April, 1888. second reading of Bill (No. 14) intituled “An Act to Journals, p. 110. repeal certain remaining clauses of the ‘Sumas Dyking Act, 1878,’ and to repeal the ‘Sumas Dyking Amendment Act, 1883,’” moved by Mr. T. Davie, a private member,—

Mr. Speaker POOLEY stated that it was not competent for a private member of the House to introduce a Bill to amend or repeal a Private Bill without following the procedure governing the introduction of Private Bills. (See *Bourinot*, at pages 608-610.)

Mr. T. Davie appealed to the House, and the Chair was sustained on division.

The order for the second reading of the Bill was then discharged.

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Upon the order of the day being called for the second reading of Bill (No. 53) intituled “An Act to amend the ‘Vancouver Incorporation Act, 1886,’” and a point of order having arisen, Mr. Speaker POOLEY gave the following decision:—

I am asked to decide whether Mr. Orr, as a private member, can proceed with a Bill intituled “Van-

couver Incorporation Act Amendment Bill" (No. 53). Objection is taken that this is a Bill to amend a Private Act, and therefore interfering with private interests.

In *May's Parliamentary Practice*, 8th edition, folio 692, all Private Bills are required to be brought in by petition, and (folio 693) Bills brought in affecting private interests are required to go through the same formalities as Private Bills. This is also laid down in *Bourinot*, folios 608 and 610.

The Vancouver Incorporation Act was passed through the Legislative Assembly as a Private Bill in 1886, and was amended as a Private Bill in 1887.

Stress has been laid upon the fact that the Act contains a clause (221) which reads: "This Act may be amended at any subsequent Session of the House of Assembly." I do not attach any weight to these words as taking from this Act its character of a Private Act.

These words merely re-enact, though not so fully, the provisions already enacted in sub-section (31) of section 7 of the "Interpretation Act, 1872."

Section 221 means, in my view, nothing more than that the Act may be amended, but subject to the usual proceedings and formalities attaching to Bills affecting private interests.

I do not think Mr. Orr, as a private member, can proceed with this Bill, as it affects private interests, and no notice of the Bill has been given, or petition for its introduction as a Private Bill presented.

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*The Private Bills Committee cannot hear objections to opposed Bills, unless the same are founded on petition presented to the House.*

On the 3rd March, the Select Standing Committee <sup>4th March, 1890.</sup> on Standing Orders and Private Bills having reported, <sup>Journals, p. 47.</sup> asking Mr. Speaker's ruling on the point—"Can the Committee hear Counsel, or other person or persons, in opposition to Private Bills without any petition containing objections to the Bill having been presented to the House and referred to the Committee?"

Mr. Speaker HIGGINS now gave his decision:—

Rule 57 of our Orders points to the necessity of petitions for or against a Bill; and this requirement <sup>(New Rule 66.)</sup> is not weakened by Rule 60, which provides that <sup>(New Rule 69.)</sup> "all persons whose interest or property may be affected by any Private Bill shall, when required so to do, appear before the Standing Committee."

*May*, p. 408, says that Committees of the House have no power to consider any matter not referred to them by the House.

By Rule 93, in all unprovided cases the rules, usages, and forms of the House of Commons are to be followed. <sup>(New Rule 110.)</sup> The practice relating to Private Bills, when opposed, as laid down in *May*, is as follows:—

*May*, 747 and 757—"No Bill is to be considered as an opposed Bill unless, within ten days after the first reading, a petition is presented against it."

*May*, 759—"Petitioners will not be heard by the Committee unless their petition be prepared and signed in strict conformity with the Rules and Orders of the House, and have been deposited within the time limited."

*May*, 760—"No petition will be considered which does not distinctly state the grounds of objection to the Bill, and the petitioners can only be heard on the grounds so stated."

The reasons for this eminently proper rule are obvious. By our Standing Orders, parties who desire to apply for a Private Bill must give six weeks' notice of intention before their petition will be entertained; and if parties in opposition to the measure should be at liberty, without notice, to go before the Committee and take the friends of the Bill by surprise, a grave injustice would be committed, because of the inability of the persons whose interests are attacked to produce evidence in time to refute the arguments of their opponents.

I can imagine no situation more unjust, harmful, and embarrassing than that of a petitioner before this House taken unawares in the manner I have described.

It has been stated on the floor of this House that it has been customary for the Private Bills Committee to hear opponents to Bills without first requiring a petition against the Bills, but this custom was relaxed twice during the session of 1888, when a petition against the "Sumas Dyking Act," and a petition of the residents of Sapperton against being incorporated in New Westminster City, were read to the House and referred to the Committee on Private Bills.

(New Rule 69.)

I do not call in question the power of the Private Bills Committee (under Rule 60) to require the presence of all persons whose interests may be affected by a measure, after a petition respecting the measure has been read before the House and referred to the Committee, whether the parties so required to appear have signed the petition or not; but no Rule of this House should be construed so as to inflict the grave injustice of inviting and encouraging an attack from an enemy lying in ambush upon a measure which has been advertised in the most public manner for six weeks prior to its coming into the House.

I am of opinion—

1. That the Private Bills Committee cannot hear objections to Private Bills unless such objections have been specified in a petition duly presented to the House in accordance with the authorities cited.

2. That petitioners against Private Bills cannot be heard on grounds other than those specified in their petitions.

Mr. Martin appealed from the decision, and a debate arising, the same was adjourned until the next sitting of the House.

On the 5th March, the Chair was sustained on division.

*Amalgamation of Private Bills should proceed upon Petitions from all parties interested, and considered by the Private Bills Committee.*

Upon the Order of the Day being called for the third reading of Bill (No. 19) intituled “An Act to amend the ‘Crow’s Nest and Kootenay Railway Company Act, 1888,’” Colonel Baker moved that the order be discharged and the Bill recommitted, in order to introduce the following amendments:—

1. That the preamble of the said Act is hereby amended by adding after the word “river,” in the last line thereof, the words “from thence by the west side of Kootenay Lake to the town of Nelson. Also an alternative line from a point on the west side of the southern end of the Kootenay Lake or River in the neighbourhood of Summit Creek to the Columbia River.”

3. Section 2 of the said Act is hereby amended by inserting the words “equip, maintain” between the words “construct” and “and,” in the first line there-

26th March,  
1890.  
Journals,  
pp. 89, 92, 94.

of; and by adding after the word "river," at the end of the last line thereof, the words "from thence by the west side of Kootenay Lake to the town of Nelson. Also an alternative line from a point on the west shore side of the southern end of the Kootenay Lake or River in the neighbourhood of Summit Creek to the Columbia River."

A point of order having arisen, the debate was adjourned until to-morrow.

On the 27th March, Mr. Speaker HIGGINS gave his decision on the point of order as follows:—

I am asked to rule whether the principle of a Private Bill, which was brought regularly before the House and subsequently withdrawn, can be revived and embodied in another Private Bill, which also came before the House in regular course, without the sanction and co-operation, by petition or otherwise, of the promoters of the original Bill, and without having been before the Private Bills Committee in its amended form.

The point arose in this way:—The Hon. member for Kootenay, at the third reading stage, gave notice of an amendment to a Bill entitled "An Act to amend the 'Crow's Nest and Kootenay Lake Railway Company's Act, 1888.'" This amendment embodies the principle and powers contained in a Bill introduced during the present Session, entitled "An Act to Incorporate the Nelson and Kootenay Lake Railway Company." The order for the second reading of this Bill was discharged by the House, on motion of the Hon. Member for Kootenay. To the amendment exception was taken by the Hon. Senior Member for Victoria City.

After a careful examination, I am of opinion that the authorities mainly relied upon by the Hon. Member for Kootenay have reference to Public and

not to Private Bills, and that the Bill, as he proposes to amend it, must come under the head of Amalgamated Bills, page 826, *May*, which says:—

“When powers are applied for to amalgamate with any other company, or to sell or lease the undertaking, or purchase or take or lease another undertaking, or to enter into traffic arrangements, all such particulars are to be specified in the Bill as introduced into Parliament.”

It is unnecessary for me to point out that this course has not been adopted, and I have serious doubts as to the power of amalgamation without the consent of both parties having first been obtained. The agreement should be mutual in its character; for surely it will not be contended that one company can amalgamate with another company without the consent of both having first been obtained, any more than that a marriage ceremony can be legally performed without the consent of both parties to the contract having been obtained. The discharge of the order for the second reading of a Private Bill cannot be accepted as evidence of the dissolution of the company that promoted it.

I would advise that a petition from the “Nelson and Kootenay Lake Company,” and another from the “Crow’s Nest and Kootenay Lake Company,” for amalgamation, be first presented, and that the whole matter be then referred to the Private Bills Committee, with instructions to report an amalgamated Bill to the House.

The debate was further adjourned until to-morrow.

On 31st March the motion was withdrawn and the Bill read a third time and passed.

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*Amendments giving extended powers, not within published notices and not considered by the Standing Committee, cannot be moved in Committee of the Whole.*

11th April, 1892.

Journals,  
p. 109.

On 8th April, Bill (No. 42) intituled "An Act to amend the 'Columbia and Kootenay Railway and Navigation Company Act, 1890,'" was committed, with Mr. Sword in the Chair.

A point of order (viz., as to the right to propose amendments to the Bill giving extended powers to the Company, which were not considered by the Railway Committee and not embraced in the published notices of application for the Bill), having arisen, the Committee reported the matter to the Speaker for his decision, and asked leave to sit again.

Ordered, That leave be granted for Monday next.

### *Decision.*

Mr. Speaker HIGGINS — I have examined the petition for the Bill, and find that the amendment proposes to allow the petitioners to carry their line to a point far beyond the limits originally described in the petition.

(New Rule 59.)

Rule 50 requires that a notice, clearly and distinctly specifying the nature and object of the application, shall be published in the British Columbia Gazette and in one newspaper in or nearest the district affected in which a newspaper is published. Notices that comported with the petition were published, but they did not embrace the limits proposed to be inserted by the amendments in the Bill.

The Bill was duly reported by the Committee on Standing Orders, and came before the House and reached the Committee of the Whole in the usual way. Up to this point, I think, the proceedings

were in accordance with parliamentary practice ; but I doubt the power of a Committee of the Whole to make so extensive and sweeping a change in a Bill except on petition, which should reach the House in the customary manner.

*May*, page 788, says:—"If, after the introduction of a Private Bill, any additional provision should be made in the Bill in respect of matters to which the Standing Orders are applicable, a petition for that purpose should be presented to the House, with a printed copy of the proposed clauses annexed. The petition will be referred to the Examiners of Petitions for Private Bills, who are to be given at least two clear days' notice of the day on which it will be examined. \* \* After hearing the parties in the same manner as in the case of the original petition on the Bill, the Examiner reports to the House whether the Standing Orders have been complied with or not, or whether any be applicable to the petition for additional provision." (The Committee on Standing Orders and Private Bills stand in the relation of Examiners towards this House.)

Rule No. 66 of this House requires two days' notice of any important amendment to any Private Bill in a Committee of the Whole House ; but I am of opinion that that Rule cannot be held to apply to the amendment moved, as Rule 62 requires that the attention of the House shall be specially called to any provision that does not appear to have been contemplated in the notice for the same, as reported upon by the Committee on Standing Orders. (New Rule 75.)

If an amendment of the nature moved can be proposed at this stage of the Bill, what would be the value of the notices or petitions in which the line was first defined, or how would parties whose inter-

ests might be affected by the amendment be made aware of the contemplated extension?

I rule that the amendment can only come before the House in the usual way, by petition.

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*A Private Bill imposing certain responsibilities upon a Crown Officer can be proceeded with without the consent of the Government.*

14th April, 1891.  
Journals, p. 129.

Bill (No. 22) intituled "An Act to incorporate the British Columbia Dyking and Improvement Company."

*Objection*—That the Bill gave certain powers to and imposed certain duties upon the Chief Commissioner of Lands and Works, and, therefore, could not proceed without the consent of the Government.

Mr. Speaker HIGGINS.—This Bill is essentially a Private Bill; and the fact that it throws certain responsibilities on the Chief Commissioner of Lands and Works should not operate to its detriment. The Chief Commissioner is mentioned in the "Sumas Dyking Act, 1878," in almost the same words in which he is referred to in this Act. I think it would have been better if the Bill had received the consent of the Chief Commissioner to act as required before having been brought in; but, if he declines to act, the Bill may be amended in Committee of the Whole, so as to place the responsibility on other shoulders.

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*A Quasi-Private Bill, having passed through several stages as a Public Bill, allowed to proceed as a Hybrid Bill.*

Bill (No. 12) intituled "An Act respecting the Corporation of New Westminster," introduced as a Private Bill. 8th April, 1891.  
Journals, p. 118.

Objection—"That the Bill was a Private Bill."

Mr. Speaker HIGGINS—This Bill was introduced as a Public Bill. It passed the first and second readings, and went to Committee of the Whole on February 4th.

On motion—

"It was *Resolved*,—That the Committee rise, report progress, ask leave to sit again, and recommend to the House that the Bill be referred to a Select Committee consisting of the members forming the Private Bills Committee, with instructions to give fourteen days' notice, by advertisement in the New Westminster papers, so as to afford private parties (if any) affected by the Bill an opportunity to appear before the Committee, and with power to hear evidence and to report to the House.

"The Committee reported the Resolution.

"Report considered forthwith, adopted, and agreed to."

On the 2nd April, the Private Bills Committee, sitting as a Select Committee, reported, *inter alia*, that the Bill should have been introduced as a Private Bill.

The circumstances attendant upon the introduction of the Bill are peculiar, and, I think, unprecedented in the practice of this House. I find that the notices required by the Standing Orders in the matter of Private Bills were published, but that, pending the presentation of the customary petition, it was arranged

that the measure should come in as a Public Bill. It is in order to amend or define a Private Bill by a Public Bill. (*See* Mr. Speaker POOLEY's ruling in the Journals of this House, page 21, Session of 1887, where it is held that the Sumas Dyking Act, a Private Bill, could be amended by a Public Bill, and it was done accordingly.)

Bill No. 12 aims to indemnify the Corporation of the City of New Westminster for having, as is alleged, exceeded the powers conferred by the City Charter. Under ordinary circumstances, I think that Rule No. 50 (Rule 59 of the new Rules, 1892) would have offered an insurmountable barrier to the bringing forward of the Bill as a public measure. But the circumstances attending its introduction, and the proceedings in the House and Committee anterior to its reference to a Select Committee, were of an extraordinary character. It was read a first and second time, and committed as a Public Bill. Then it was removed from Committee of the Whole and sent to a Select Committee for report. The report of that Committee shows that public as well as private interests are seriously affected by the measure. The Select Committee has advised that the Bill should have been treated as a Private Bill. If that course should be taken, it can scarcely come again before the house during the present Session; and deep and lasting injury might be inflicted on all parties, the public, perhaps, being the greatest sufferer.

I have been greatly perplexed in considering the various points involved, and have had extreme difficulty in making a ruling. There is a class of local Bills in the British House of Commons, *quasi* private, known as hybrid Bills. They are generally Bills for carrying out national works, or relating to

Crown property, or other public works in which the Government is concerned; or they sometimes deal with matters affecting the Metropolis.

Bill No. 12 is local in its character. The petition required in the case of Private Bills was waived by the House when it admitted and read the Bill twice as a Public Bill, and considered it in Committee of the Whole. The resolution reported from Committee of the Whole to refer to a Select Committee casts no doubt on the *status* of the Bill, and it is only when the Select Committee has reported that doubt is felt.

Taking into consideration all the circumstances,—the fact that the required notices were published; that the Bill came in as a public measure; that it has been read twice and referred to Committee of the Whole as such; that the public have had ample opportunity to be heard for and against it; and that both public and private interests are involved,—I am of opinion that the Bill should be regarded as a hybrid, and that the order for Committee of the Whole is in order.

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*A Bill, introduced as a Public Bill, to validate certain Municipal By-Laws, held to be a Private Bill.*

Bill (No. 89) intituled “An Act to declare valid certain by-laws passed by the Municipal Council of the Municipality of Surrey,” introduced as a Public Bill 6th April, 1891.  
Journals, p. 113.

*Objection*—“That the Bill was a Private Bill.”

Mr. Speaker HIGGINS—This Bill cannot be considered as a Public Bill. Rule 50 (Rule 60 of new Rules of 1892) expressly lays it down that Bills “for doing any matter or thing which in its operation would affect the rights or property of other parties,

or relate to any particular class of the community, or for making any amendment of a like nature to any former Act," can only be introduced as a Private Bill, and after the publication of the usual notices.

The Bill in question aims to indemnify the Municipal Council of the Municipality of Surrey for having exceeded the powers conferred by the "Municipal Act, 1889." *May*, page 768, 9th edition, says that Bills for "enlarging or altering the powers of charters and corporations" are Private Bills of the first class. And on page 745, same edition, says that, whether a Bill "be for the interest of an individual, a public company or corporation, a parish, a city, or county, or other locality, it is equally distinguished from a measure of public policy in which the whole community are interested."

I rule that the order for the second reading of said Bill cannot be moved.

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#### CROWN PREROGATIVES.

*Bill to amend the Constitution Act should be introduced by the Government, or with its consent.*

26th February, 1879.  
Journals, p. 23. Bill No. 19 intituled "An Act to amend the Constitution Act, 1878, by providing for a redistribution of seats in the Districts of Nanaimo, New Westminster, Esquimalt, and Cassiar."

MR. SPEAKER WILLIAMS:—On the motion being made yesterday for the second reading of this Bill, it was objected to on the ground that the Bill was of such a nature that it should, if introduced at all, emanate from the Government, and I was called on to decide the point. I was then, and am still, of opinion that the Bill was of such a character that it

should have been introduced by a Member of the Government, or with their sanction.

The authorities on this subject are as follows:—

“By modern constitutional practice, Ministers of the Crown are held responsible for recommending to Parliament whatsoever laws are required to advance the national welfare, or to promote the political or social progress of any class or interest in the commonwealth.

“But it has only been by degrees, and principally since the passing of the Reform Acts of 1832, that it has come to be an established principle that all important acts of legislation should be originated, and their passage through Parliament facilitated, by the advisers of the Crown. Formerly, Ministers were solely responsible for the fulfilment of their executive obligations, and for obtaining the sanction of Parliament to such measures as they deemed to be essential for carrying out their public policy. But the growing interest which, of late years, has been exhibited by the constituent bodies upon all public questions, and the consequent necessity for systematic and enlightened legislation for the improvement of our political and social institutions, and for the amelioration of the laws, in accordance with the wants of an advancing civilization, together with the difficulty experienced by private members in carrying Bills through Parliament, have led to the imposition of additional burthens upon the Ministers of the Crown, by requiring them to prepare and submit to Parliament whatever measures of this description may be needed for the public good.

“On the other hand it should be freely conceded to private members that they have an abstract right to submit to the consideration of Parliament measures upon every question which may suitably

“engage its attention, subject only to the limitations  
“imposed by the prerogative of the Crown, or to the  
“practice of Parliament.

“Bearing this in mind, it must be admitted that  
“the rule that all great and important public  
“measures should emanate from the Executive, has  
“of late years obtained increasing acceptance. The  
“remarkable examples to the contrary, which are  
“found in parliamentary history antecedent to the  
“first Reform Acts, could not now occur without  
“betokening a weakness on the part of the Ministers  
“of the Crown which is inconsistent with their true  
“relation towards the House of Commons. By  
“modern practice ‘no sooner does a great question  
“‘become practical, or a small question great, than  
“‘the House demands that it shall be “taken up”  
“‘by the Government. Nor is this from laziness or  
“‘indifference. It is felt, with a wise instinct,  
“‘that only thus can such questions in general  
“‘acquire the *momentum* necessary to propel them  
“‘to their goal, with the unity of purpose which  
“‘alone can uphold their efficacy and [preserve their]  
“‘consistency of character.’

“In 1838, on a private member moving for leave  
“to bring in a Bill for the provisional government of  
“New Zealand, objection was taken by Mr. C. W.  
“Wynn (an eminent constitutional authority) and  
“others, that Bills of this description, or which  
“might involve questions of international law, should  
“be submitted to Parliament by the Administration.  
“In reply, the case was cited of the Bill to establish  
“a Colony in South Australia, which was brought  
“in by a private member, though with the formal  
“consent of the Crown to the motion for its intro-  
“duction. Whereupon Lord John Russell (the  
“Home Secretary) gave the consent of the Crown to

“the introduction of this Bill ; reserving the right  
“to Ministers to support or oppose it at any future  
“stage ; and the Bill was accordingly introduced.  
“But being found to contain certain objectionable  
“provisions it was opposed by Ministers, and rejected  
“on its second reading.

“In 1861 Mr. Locke King brought in a Bill for  
“the extension of the county franchise, and Mr.  
“Baines a Bill to extend the borough franchise ; but  
“both these measures were thrown out by means of  
“the previous question upon the motion to read  
“them a second time, being opposed by Lord Palmer-  
“ston (the Prime Minister) on the ground that  
“measures of such importance ‘ought to originate  
“‘with a Responsible Government, and not to be  
“‘left in the hands of a private member to take  
“‘their chance.’ And it was forcibly objected by  
“another speaker, that a private member, however  
“able, was responsible only to himself and those who  
“sent him to Parliament, and his views were likely  
“to be limited by the desires and circumstances of a  
“small section of the community, so that it would  
“be unreasonable to expect from such an one a broad  
“and statesmanlike measure.

“On March 1st, 1867, a conversation took place  
“in the House of Commons with reference to the  
“law of master and servant. In the previous session  
“a Select Committee had been appointed to consider  
“this subject, which had reported that the present  
“state of the law was objectionable, and had advised  
“certain specified changes therein. It being admitted  
“that a change was necessary, the question arose by  
“whom it should be made. It was urged that the  
“matter was too important to be dealt with by a  
“private member, and should be undertaken upon  
“the responsibility of the Government. Whereupon

“ Mr. Walpole (the Home Secretary) stated that he  
 “ was in communication with the Attorney-General  
 “ on the subject, and hoped to be able to bring in a  
 “ Bill in relation thereto as soon as the great pressure  
 “ of government business would permit.

“ On April 9th, 1867, a private member moved  
 “ for leave to bring a Bill into the House of Com-  
 “ mons to amend the representation of the people in  
 “ Ireland. The Secretary for Ireland (Lord Naas)  
 “ said, that the Government did not object to the  
 “ introduction of this Bill, as it was desirable that  
 “ the House should see the scheme which had been  
 “ framed by so experienced a member. But he  
 “ reserved the right to express his opinion on the  
 “ measure until a future occasion. The Bill was  
 “ then presented, and read a first time. On June  
 “ 28th, however, the Bill was withdrawn.” [*See*  
*Todd, 299, Vol. II., and following pages.*]

Bearing in mind the opinions several times expressed by Mr. Speaker Trimble, who had long presided over this House, with respect to Bills objected to on the ground above stated, and whose opinions no doubt were founded on the authorities just quoted, I gave as my opinion that the motion for the second reading was out of order; but as I stated when deciding a former question, I have no desire to prevent matters being brought under the consideration of the House, and, on reflection, I have arrived at the conclusion that the better way will be to leave the matter to be dealt with entirely by the House.

The Honourable Member may, in view of the authorities quoted, withdraw the Bill by leave of the House, or the House, if they agree with me, can dispose of the matter, in accordance with the views

herein expressed, by a motion of the previous question.

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Mr. Dunsmuir asked leave to introduce a Bill intituled "An Act to amend the 'Constitution Act, 1871,' so as to provide for biennial Sessions of the Legislative Assembly." 9th March, 1887.  
Journals,  
p. 41.

A point of order arose.

Mr. Speaker POOLEY reserved his decision until the 22nd March, when he ruled the motion out of order.

Mr. Speaker—On this motion a point of order has been raised, on the ground that a motion for leave to introduce a Bill to amend the Constitution by a private member of the House is out of order.

By section 3 of the Terms of Union, the Dominion Government undertake to pay to British Columbia, for the support of its Government and Legislature, an annual subsidy of \$35,000.

I am of opinion that the Bill proposed to be introduced is out of order, in that it would be contrary to the provisions of the Terms of Union.

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A private member asked leave to introduce a Bill to amend the Constitution Act. 22nd February,  
1893.

Mr. Speaker HIGGINS ruled the motion out of order. Journals, p. 32.

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Mr. Higgins asked leave to introduce a Bill to limit the Sessions of this Assembly to 42 calendar days from the date of opening, and to fix the hours for holding the sittings thereof by Statute. 5th April, 1887.  
Journals, p. 88.

Mr. Speaker POOLEY—It is not competent for the Honourable Member to introduce such a Bill.

22nd March,  
1883.  
Journals, p. 42.

Mr. Semlin asked leave to introduce a Bill intituled "An Act to regulate the meeting of the Legislative Assembly of British Columbia."

Mr. Speaker MARA ruled that the proposed Bill could not be introduced by a private member.

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*Bills affecting the Prerogative of the Crown cannot be introduced by Private Members.*

22nd February,  
1881.  
Journals,  
pp. 22, 32.

Mr. Ash asked leave to introduce a Bill (No. 21) intituled "An Act to amend the 'Petitions of Right and Crown Procedure Act, 1873.'"

Ordered, That leave be granted.

A point of order having arisen, Mr. Speaker stated that the Bill required the consent of the Crown. The same question arose on a similar Bill in the Session of 1879, and it was decided that a private member could not proceed with the Bill. I think the objection had better be taken on the motion for the second reading of the Bill.

Bill introduced and read a first time.

Ordered to be read a second time on Friday next.

On 3rd March, Mr. Ash moved the second reading of the Bill, and the objection was again taken.

On 9th March, Mr. Speaker WILLIAMS gave his decision as follows:—

While members have, undoubtedly, an abstract right to present any proper subject by Bill or motion for discussion in the House of Commons, and therefore in this House, still English Parliamentary Practice has established the principle that questions which relate to the prerogative of the Crown can only be dealt with by the Crown itself, or by a private member who has received the consent of the

Crown, given through one of its Ministers.

This Bill purports to be an amendment to the Crown Suits Procedure Act of 1873.

Referring to *Todd* on Parliamentary Government in England, vol. I., page 245, I find that the Crown, by virtue of its prerogative, cannot be sued without its express consent—there the question of suits against the Crown is mentioned as one of prerogative.

Going back to the Act of 1873, the Crown in that Act stipulated that suits might be brought against it on certain conditions only, which conditions form part of the Act.

A private member now seeks by an amending Act to change those conditions, not only without first having obtained the consent of the Crown, which, if given, is given through a Minister, but in the face of a refusal of that consent; this, in my opinion, he cannot do.

According to *May*, a private member cannot introduce an original Bill which affects a prerogative of the Crown, or any measure amending such Bill, without first obtaining the consent of the Crown.

It is stated on pages 467 and 468, of the eighth edition—"That the Royal consent is given by a "Privy Councillor to motions for leave to bring in "Bills, or to amendments to Bills \* \* \* which "concern the Royal prerogatives."

Private Bills relating to any claim upon the Crown are subject to the same rule. [*May*, 8th edition, p. 731.]

Where the consent is refused it is useless to proceed with the Bill, as according to *May*, 8th edition, p. 468, "where such Bills have been suffered, through "inadvertence, to be read a third time and passed,

“the proceedings have been declared null and void.”  
 Mr. Smithe appealed from the decision.  
 The Chair was sustained on division.

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17th April, 1882.  
 Journals, p. 49.

Mr. Ash moved the second reading of Bill (No. 11) intituled “An Act to amend the ‘Petition of Right and Crown Procedure Act, 1873.’”

Mr. Speaker WILLIAMS ruled the motion and the Bill out of order, and referred to his decision on a similar Bill in 1881. (*See Journals*, p. 32.)

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#### CROWN LANDS, &C.

*A petition for a Private Bill to obtain Crown grant to certain Crown lands cannot be introduced.*

6th April, 1888.  
 Journals,  
 pp. 75, 79.

The petition from Samuel Greer for leave to introduce a Private Bill (relief of Samuel Greer) was ruled out of order.

Mr. Bole stated he wished to appeal from the decision to the House.

Mr. Speaker POOLEY stated he would give a written decision, upon which the appeal could be taken.

On the 10th April, Mr. Speaker POOLEY gave the following decision:—

The petition of Samuel Greer alleges a claim to part of Lot 526, Group 1, New Westminster District, and alleges that under an agreement dated the 13th day of February, 1886, between the Government of British Columbia and the Canadian Pacific Railway Company, the Government issued a Crown grant of

said Lot 526, Group 1, in favour of Donald A. Smith and Richard B. Angus ;

And alleges continuous occupation of the said land from the month of June, 1884 ;

And prays that the House will be pleased to grant leave for the introduction of a Bill for his relief, and to enable him to obtain a Crown grant of the said piece of land.

The only ground upon which the petitioner could ask for a Crown grant would be on the assumption that the fee of the land was in the Crown ; and it is laid down in *May* (8th edition, folio 566) that no petition to the Commons, praying directly or indirectly for the relinquishing of any claim of the Crown, will be received unless the same be recommended by the Crown.

The petition implies the relinquishment of any claim the Crown might have in the lands, and as the same has not been recommended by the Crown I must rule it out of order.

Mr. Bole appealed from the decision to the House. The Chair was sustained.

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*A Bill proposing to deal with Crown lands held in trust for charitable purposes must be introduced as a Private Bill or by Message.*

Mr. Speaker HIGGINS gave his reserved decision on the point of order raised yesterday by Mr. Beaven on the motion for the first reading of Bill No 22, which was ordered to be placed on the Journals.

20th February,  
1890.  
Journals, p. 29.

The decision is as follows :—

The Bill (No. 22) intituled “ An Act to enable the Trustees of the Royal Columbian Hospital, New

Westminster, to sell certain lands and to provide for the appropriation of the proceeds thereof," proposes to amend or continue an Act passed at the last Session of this House, which Act was introduced by Message from the Lieutenant-Governor.

*May*, 8th edition, page 713, divides Private Bills into two classes. To the first of these classes is relegated Bills affecting Crown, Church, Corporation property, or property held in trust for public or charitable purposes, and Bills for continuing or amending an Act passed for any of the purposes included in this or the second class, when no further work than such as was authorized by a former Act is proposed to be made.

The Bill before me seeks to enable the Trustees of the Royal Columbian Hospital to sell certain Crown lands, held in trust for charitable purposes, and to provide for the appropriation of the proceeds thereof.

Moreover, it proposes to amend or extend the powers conferred by an Act of last Session, which Act was introduced by a member of the Government, upon the authority of a Message from the Lieutenant-Governor.

The Act of last Session, to authorize and facilitate the sale of the site of the Royal Hospital, having a similar scope to this Bill, was also introduced by Message from the Lieutenant-Governor.

In its present form, I am of opinion that the Bill must be ruled out of order. In other words, it must come in as a Private Bill, or be introduced by Message from the Lieutenant-Governor.

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*Private Bill—Water rights affecting Crown lands—  
Ownership of water in the Crown.*

Mr. Speaker HIGGINS gave the following decision:—

My ruling of the 17th March as to the constitutionality of Bill No. 6 was referred back to me, on motion of the Hon. Attorney-General, who pointed out that I had failed to rule whether or not the proprietorship of the waters of Goldstream was vested in the Crown or in private individuals. I have bestowed much time and thought on the subject, and while I scarcely think that a matter which involves so much that is intricate and complex, and which is essentially a legal question, ought to be entrusted to a layman for judgment, I have had recourse to the best available authorities, and now present my ruling for the discretion of the House.

12th April, 1892.  
Journals, p. 117.

In the celebrated case of *The Queen vs. Robertson* (Canada Supreme Court Decisions), the Crown sought to exercise proprietorship over an unnavigable stream in New Brunswick, the land on either side of said stream having been alienated by the Crown without reference in the grant to the stream. Mr. Justice Gwynne, of the Exchequer Court, held that “the established rule of law is that *prima facie* the proprietor of each bank of a stream is the proprietor of half the land covered by the stream. \* \* \* In all such cases the grant covers the bed of the stream, unless there be some expression in the terms of the grant, or something in the terms of the grant taken in connection with the situation and condition of the land granted, which clearly indicates an intention that the grant should stop at the edge or margin of the river, and should exclude the river from its operations. There must be a reservation or restriction, expressed or necessarily implied, to control the general presumption of law, and to make the particular

grant an exception from the general rule. This is the established doctrine, not only in England, but in the Courts of the United States of America also." Judgment was given by Mr. Justice Gwynne for the defendant, and his judgment was afterwards affirmed on appeal by the Supreme Court of Canada.

*Hale and Kent*, in their Commentaries, clearly state that "grants of land bounded on rivers, or upon the margin of the same, or along the same above tide-water, carry the exclusive right and title of the grantee to the centre of the stream, unless the terms of the grant clearly denote the intention to stop at the edge or margin of the river."

The lands through which flows the water proposed to be conveyed to the Esquimalt Water Works Company by Bill No. 6 were conveyed in 1883 to the Esquimalt and Nanaimo Railway Company, and have since passed from that Company to private proprietors. In the Crown grant that conveyed the lands to the Railway Company there is no reservation or restriction to indicate an intention that the grant should stop at the edge or margin of the river, and should exclude the river from its operation.

It follows, therefore, that unless it be shewn that the Victoria Water Works Act of 1873 conveyed the waters of Goldstream to the City of Victoria, or that sub-sec. (36) of sec. 8 of the "Interpretation Act, 1872," as cited by the Hon. Member for Victoria City (Mr. Beaven), is binding, the waters of Goldstream within the railway belt, not having been excepted, went to the Esquimalt and Nanaimo Railway Company with the grant of the belt, and is not now, and has not been since the issue of the Crown grant, Crown property. The solution of this difficult problem must be left to the legal advisers of the Crown; but I think sufficient has been developed in

the Supreme Court case quoted to demonstrate the importance, nay, the necessity, of precautionary legislation that will place the proprietorship of water covered by Crown grants beyond a doubt.

For the information of the House, I transmit with this ruling the report in the case of *The Queen vs. Robertson*; also a letter from Hon. A. N. Richards, whose advice I sought in the dilemma.

VICTORIA, 7th April, 1892.

*D. W. Higgins, Esq.,*

*Speaker, Legislative Assembly.*

MY DEAR SIR,—The question you put to me is as to the legality of your ruling with regard to the constitutionality of Bill (No. 6) intituled “An Act to amend the ‘Esquimalt Water Works Act, 1885,’” such ruling being published with the Votes and Proceedings of 17th March.

I cannot understand that any objection could be raised to the Bill on the ground of the Crown being interested and not having assented to the Bill, as it does not profess to deal with the interest of the Crown, the latter not being named, and therefore not bound; so that the promoters, if the Bill passes, take their Act subject to any interest the Crown may have. (See *Maxwell* on Stats., 161 *et seq.*, 2nd ed. See also sub-sec. (36) of sec. 8 of the “Interpretation Act, 1872,” as cited by Mr. Beaven on the 18th ult.) Nor can I see how the Crown could be interested, as I understand from your letter that the land adjoining the Goldstream is part of the Island Railway Belt conveyed to the Crown in right of the Dominion by an Act passed 19th December, 1883, and is now owned by the Island Railway Company. All private parties are bound, and have to go to arbitration for damages arising from the exercise by the Company of the law of Eminent Domain.

With respect to water, it is, so long as it is in the running stream, the property of no one, like air and light. The owner of the banks of a stream, as a riparian proprietor, can take the water for a reasonable use as it is passing his property, but he has no property in it before it comes to his land nor after it leaves, nor while opposite his land, but only when he reduces it to possession, as by filling a tank, &c. Should the Crown own land on the banks of the stream, and the Act be construed so as to bind the Crown, then the Crown is interested, and must assent to the Bill, which, when done, is at the third reading (*May's Par. Prac.*, 786, 7th ed.), and is given in the name of the Crown by a Minister (*May*, 453, *et seq.*). A riparian proprietor has the right to have the water flow to and past his property in its natural state; and should any party withdraw it by tapping the stream above, so as to inflict damage, the proprietor below has a right of action, and the Crown, if a riparian owner, would be in the same position. The Act amended, however, as I have already mentioned, takes away the action of private parties, and compels them to go to arbitration, but not so with the Crown, as the arbitration proceedings would not be applicable. You will see in *May*, 456, the practice of requiring the assent of the Crown as the Bill is going through the House is to obviate the necessity of a refusal of the Royal assent after the Bill has passed the House.

Yours, &c.,

A. N. RICHARDS.

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Ruling of 17th March, above referred to:—

The point referred to me affects the constitutionality of Bill (No. 6) entitled "An Act to amend the 'Esquimalt Water Works Act, 1885.'"

The point, which was raised by the Hon. second Member for Victoria City (Mr. Beaven), is as follows :

*“That the sanction of the Crown must be obtained before the Bill can be read a second time, because we are asked to deal with the property of the Crown.”*

In considering this point, I must be largely guided by precedent and the practice of this House in dealing with similar Bills—that is, Bills which deal with water and riparian rights. Referring to the Journals of the House since Confederation, I find that in no instance where water rights were affected, or where it was proposed to deal with water that covered or ran through land which belonged to the Crown, has the Crown intervened to assert its rights.

While this point was under discussion, it was stated that the Act which conveyed to the City of Victoria the right to the waters within twenty miles of said city was introduced as a public measure.

Referring to the Journals of 1873, page 6, I find that a petition was received and read from “The Mayor and Corporation of Victoria, praying that a Bill may be passed enabling them to bring in water.” On page 16, same Journals, it is recorded: “Mr. McCreight presented a Report from the Select Committee on Private Bills and Standing Orders, in favour of a Bill for the purpose of introducing water into Victoria by the Municipal Council of Victoria. The Report was received.”

On page 18 it is further recorded: “Mr. McCreight asked leave to introduce a Bill intituled ‘An Act to authorize the Corporation of the City of Victoria to construct Water Works for the City of Victoria.’ *Ordered*, That leave be granted. Bill presented.

“On motion of Mr. McCreight, Mr. Duck second—  
“ing,—*Ordered*, That the Bill be now read a first  
“time. Bill read a first time accordingly. Referred  
“to the Select Committee on Private Bills and  
“Standing Orders.”

On page 75 it is shown that the Act was read a second time and committed forthwith.

On page 76 progress was reported, and the Bill ordered to be committed again in the evening, when the Bill was reported complete without amendment. The Report was adopted, the Bill read a third time and passed.

I have been circumstantial in quoting the proceedings on the Victoria Water Works Act, because a part of the rights conveyed by that Act is sought to be acquired by the Esquimalt Water Works Company in Bill No. 6, now before the House. The Bill, it will be seen, was introduced as a private measure and passed as such, the Crown assenting by its silence to the alienation of the water. The Act makes it lawful for the City of Victoria, through its agents, servants, or workmen, to enter into and upon the land of any person or persons, bodies politic or corporate, in the City of Victoria, or *within twenty miles of said city*, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water works; and also to divert and appropriate any springs, streams, lakes, or bodies of water, as they shall judge suitable and proper. The head-waters of Goldstream, from which the Esquimalt Company propose to draw a supply, are “within twenty miles of Victoria.”

In 1885, the Esquimalt Water Works Company had a Private Bill introduced and passed, conferring upon them power to acquire certain waters within twenty miles of Victoria, and neither the Corporation

of the City of Victoria or the Government offered any objection.

In 1886, the Vancouver Water Works Company secured the passage of a Private Bill through this House—the Government not intervening—conveying to the company the privilege of taking water from Capilano Creek and its tributaries. At the last Session, another Private Bill dealing with the water rights of the same company was passed, the Government again not intervening.

In 1880, the Quesnelle River Ditch Company secured, by Private Bill, extensive water privileges from this House.

In 1886, the Coquitlam Water Works Company's Act, the Quesnelle Lake and Dam Company's Act, and the Quesnelle River Ditch Company's Act, all of which conveyed public water rights to private parties, were passed without a murmur of dissent. In point of fact, members of the Government assisted in the passage of each Bill.

In 1888, the South Fork Quesnelle River Flume Company were accorded similar rights under similar circumstances.

Had the Crown intervened in either case, I think that the Bill must have fallen to the ground.

In the matter of the Bill under consideration, I am of opinion that the Crown not having interposed, and so waived its rights, the Bill is properly before the House, and may be proceeded with on the lines already laid down.

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*Bill to assess Dominion lands or deal with Crown lands for dyking and drainage purposes, ruled out of order.*

27th March, 1893.  
Journals,  
pp. 91, 128.

Mr. Speaker Higgins gave the following decision relative to Bill No. 51 :—

A Bill introduced by the Hon. Member for New Westminster District (Mr. Kitchen), intituled “An Act respecting the Drainage, Dyking, and Irrigation of Lands,” is, in my opinion, beyond the powers of this Legislature, inasmuch as it proposes to deal with “lands vested in the Dominion Government”—section 15, sub-sections (b) and (c). Dominion lands are exempt from taxation until the title shall have passed.

Clauses of the Bill that do not deal with Dominion lands are admissible, as legislation in the direction has already been permitted by the House, and the Bill, save in the sections above quoted, is a compilation or consolidation of existing Acts.

But it is impossible to separate one part of the Bill from another—to declare one part to be good and the other bad. The Bill, by reason of sub-sections (b) and (c), falls, and must be ruled out.

The Order for the second reading of Bill (No. 51) intituled “An Act to consolidate and amend the ‘Drainage, Dyking, and Irrigation Act,’ and amending Acts,” was then discharged.

The Bill was amended and again introduced as Bill (No. 85), and on 11th April Mr. Kitchen moved the second reading.

Mr. Speaker ruled the Bill out of order on the ground that it dealt with Crown lands.

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*Powers of Select Committee in reporting. Cannot report in favour of, or recommend as just, claims against the Crown or Crown lands.*

The Select Committee appointed to enquire into the claims of certain applicants to purchase lands near the mouth of Carpenter Creek having reported "that Angus McGillivray has a just claim to the land in question," objection was taken to the reception of the report. 14th March, 1893.  
Journals, p. 58.

Mr. Speaker HIGGINS:—The Committee might have recommended that the claim of Angus McGillivray be taken into the favourable consideration of the Government. Such a report would have been in harmony with the reports of Committees in similar cases during the past few years. I refer particularly to reports in the Journals of this House, Session 1888, relative to "Claims to Granville Town Lots," "Claims of Rev. George Ditcham," "Claims of Donald McKenzie," "Claims of Samuel Greer," "Claims of L. and E. Gold," and "Claims of James Morrison," all of which contented themselves with recommending the Government to favourably consider the claims of the respective parties. The report under consideration does not confine itself to a recommendation. It is mandatory in tone and effect; since its adoption would leave the Government no alternative but to convey the land to the claimant, or place itself in a position antagonistic to the House.

I think that the Committee have assumed a power that was not conferred or contemplated by the House when the Committee was appointed; and so I rule.

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*Clauses in granting exemptions from taxation and right of way over Crown lands cannot be inserted until the same are recommended by Message.*

19th March, 1891  
Journals, p. 82.

The Hon. the Attorney-General asked if clause 17 of Bill (No. 50) intituled "An Act to incorporate the Liverpool and Canoe Pass Railway Company" was in order.

Mr. Speaker HIGGINS—The clause referred to proposes to exempt the railway and appurtenances, and the capital stock of the Company, from Municipal and Provincial taxation for a period of seven years.

(New Rule 96.)

I am of opinion that the clause conflicts with section 54 of the "British North America Act, 1867," and with Rule 85 of the Rules and Orders of this House. If the provisions of that section and that rule are followed, the section must either be brought down by Message from the Lieutenant-Governor, or be reported from the Committee of the Whole.

In support of this ruling I refer the House to the Journals of this House, Session 1880, page 31, where the assent of the Crown to certain Private Bills, that asked for right of way through Crown lands and water rights only, was deemed necessary before the Bills passed to a third reading. If that procedure was necessary in that case, how much more necessary is it in this case?

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*Abstract resolution containing directions to the Government as to the conveyance of certain Reserves, being Crown lands, ruled out of order.*

18th February,  
1890.  
Journals,  
pp. 25, 34.

Mr. Duck moved, seconded by Mr. Anderson,—  
That whereas, by the Terms of Union, the management of the Indian Reserves of the Province was assumed by the Dominion Government, in trust for the use and benefit of the Indians ;

And whereas the tribe of Indians known as the Songish Tribe, living on the reserve situate on the west side of the Victoria Harbour, are few in number ;

And whereas their close proximity to the City of Victoria is undesirable, and tends to retard the growth and prosperity of the said city, and it is expedient that the said tribe should be removed to a more suitable locality, and the control of the said reserve be resumed by the Provincial Government ;

Be it therefore resolved, That a respectful address be presented to His Honour the Lieutenant-Governor, praying His Honour to take whatever steps he may deem necessary to accomplish the above object.

Mr. Beaven moved in amendment, seconded by Mr. Ladner,—

To strike out all the words after “whereas,” on the first line, down to the end of the motion, and insert—

“by section 13 of the Terms of Union, the charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit was assumed by the Dominion Government ;

“And whereas the fee of the land so reserved remains in the Province, and the disposal of the property becomes subject to the control of the Provincial Legislature, as soon as the use for which it was reserved has terminated ;

“And whereas section 119, Esquimalt District, Victoria Harbour (Songhees Indian Reservation), is one of such reserves, and its close proximity to the City of Victoria renders it an unsuitable place for the residence of the Indians, and it is expedient and in the interest of the few remaining members of the tribe that a more suitable home should be provided for them ;

“And whereas the growth and extension of the city westward is retarded by the land remaining practically useless and unproductive ;

“Be it therefore resolved, That a respectful address be presented to His Honour the Lieutenant-Governor, requesting him to take into consideration the expediency of taking such steps as will result in the removal of the Indians of the Songhees Tribe from section 119, Esquimalt District, Victoria Harbour, and the securing of a more suitable home for them on land which they can cultivate, and which they may regard as their home for life, and in the subsequent conveyance to the Corporation of the City of Victoria of the fee of the said section 119, Esquimalt District, with power to the said Corporation to extend its limits so as to include the above section, and to survey the land into streets and into blocks and lots, and to dedicate such streets to the use of the public, and to reserve lots for the use of the Corporation, and sell such other lots as the said Corporation may desire, using the net proceeds therefrom for the purposes and benefit of the said Corporation.”

A point of order arising, the debate was adjourned.

On 24th February, 1890, the adjourned debate on Mr. Duck's motion of 18th February, *re* Songish Indian Reserve, was resumed.

The amendment moved by Mr. Beaven was ruled out of order, as exceeding the limits of an abstract resolution, and being, if passed, a direction to the Government as to the form and contents of the deed of conveyance from the Crown to the City of Victoria of said reserve.

Original motion put and carried.

*A Select Committee can only report once, unless power is given to it to report from time to time.*

Mr. Turner, as Chairman of the Select Committee 11th March, 1887 Journals, p. 44 appointed to enquire into and report upon the conduct of the last general election in the City of Victoria, asked whether the Committee, after having already reported to the House, could present another report.

Mr. Speaker POOLEY—The Committee not being empowered to report from time to time, its proceedings are considered as ended. (See *May*, p. 430.)

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*Standing Committees—Powers of.*

The Public Accounts Committee has no power to enquire into any matter until it is first referred to them by the House.

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*General instructions will not be given to the Private Bills Committee to apply to all Bills indiscriminately. The House cannot delegate powers to a Committee barring the exercise of its discretion.*

The Order of the Day being called for the resumption of the adjourned debate on the motion of Mr. Beaven (22nd January) “that this House is of 26th January, 1891. Journals, p. 11. opinion that the Committee on Standing Orders “and Private Bills, and the Committee on Railways, “should see that all Private Bills granting franchises “or rights contain sections providing against the “employment of Chinese on any work to be under-

“taken in pursuance of the Bill.” Mr. Speaker HIGGINS ruled the motion out of order, and gave the following decision :—

The point of order taken by the Hon. Member for Cowichan (Mr. Croft) is as to the admissibility of the resolution, because it asks the House to relegate to a Select Committee powers that reside exclusively with the House.

Our own Rules of Order being silent on the point (as they are, unfortunately, on many others of equal importance), I have recourse to *May*. Therein I find many instances of *special* instructions given to the Private Bills Committee with certain Bills; but no instance of instructions general in their character, that is, that apply to all Private Bills, beyond those embraced in the Standing Orders.

The resolution before the House is not mandatory in terms; but an expression of opinion, such as the resolution conveys, is always a command, and if passed by the House must be respected as such by the Private Bills Committee.

An anti-Chinese clause which would operate advantageously if inserted in some Bills, might prove ruinous to the scheme if inserted in others. A hard-and-fast rule, such as that offered by the Hon. Member for Victoria, to apply to Private Bills that have complied with the Standing Orders, cannot, in my opinion, be left to the Private Bills Committee to insert; but must be at the discretion of the House, as each Bill comes before it for legislation.

I, therefore, rule that the point is well taken, and that the resolution is not in order.

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*A Select Committee cannot do any act not authorized by the resolution creating it.*

Colonel Baker presented a Report from the Select Committee appointed to enquire into the charges brought by Honourable T. B. Humphreys against Honourable R. Dunsmuir, President of the Council.

24th February,  
1888.  
Journals, p. 34.

Colonel Baker moved that the Report be received.

A point of order was raised by Mr. Beaven, viz.:—  
“That the Committee could not recommend the House to expunge any resolution from the Votes and Proceedings of this House.”

Mr. Speaker POOLEY reserved his decision, and on the 27th February (Journals, page 37,) decided that the Committee had only power to report their deliberations to the House and could not make any recommendations.

The resolution creating the Committee defines its powers as follows:—

“Be it therefore resolved, that a Select Committee be appointed to enquire into the statements of the said Honourable T. B. Humphreys, as contained in the said proposed resolution, and to report their deliberations and the evidence taken by them to this House, with power to call for persons, books, and papers.”

The report is therefore out of order.

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*Standing Committees have no power to consider and report on matters not properly before them. The right of Petition is unrestricted, subject to the rules of the House, &c.*

Colonel Baker presented the following report from the Select Standing Committee on Railways:—

23rd February,  
1891.  
Journals,  
pp. 47, 49.

MR. SPEAKER:

Your Select Standing Committee on Railways desire your ruling upon the following points:—“If a

Private Bill comes before the Standing Committee on Railways or Private Bills, and is passed by the Committee with or without amendments, and the report from the Committee is received and adopted by the House, can petitions afterwards be brought before the House against the Bill on its second reading, or on the future stages of the Bill?"

JAMES BAKER,

The report was received.

*Chairman.*

Mr. Speaker HIGGINS gave the following decision upon the question referred to in the said report:—

I think that the Private Bills Committee, not having had the petition before it, by reference or otherwise, had not the power to present a report or to question the right of the House to receive the petition, of the existence of which the Committee could have had no cognizance. There is another and more expeditious mode of procedure, which is to bring the matter up as a question of privilege, when I shall be able to rule as to its admissibility.

On the 24th February the matter was brought up again on a question of privilege, and Mr. Speaker HIGGINS gave the following ruling:—

I am asked to rule on a question of privilege raised by the Hon. Member for East Kootenay, upon the following points:—

"If a Private Bill comes before the Standing Committee on Railways or Private Bills, and is passed by the Committee with or without amendments, and the report from the Committee is received and adopted by the House, can petitions afterwards be brought before the House against the Bill on the second reading, or on the future stages of the Bill?"

Neither *May* nor our own Rules and Orders place any restrictions on the right to petition the House on any subject that is not in violation of the Rules of the

House. According to Rule 57 of this House, all (New Rule 66.) petitions for or against a Bill are considered as referred to the Committee on Private Bills; but if the time limit for the consideration of a petition by that Committee shall have expired, it would be an arbitrary and unconstitutional stretch of authority to deny the petitioners the right to approach the House on the subject. The House is entitled to all the light that can be thrown, by petition or otherwise, on a measure upon which it is asked to legislate. In the instance before me, I think the interests of the petitioners occupy a secondary position—the value of the information contained in the petition to the House being the first consideration.

*May* (9th edition), page 622, says:—"When petitions relate to *any Bill*, or the subject matter of *any motion* appointed for consideration, a member may present them before the debate commences, at any time during the sitting of the House." So jealously is this right of petition guarded in the House of Commons that on one occasion a motion for the Speaker to leave the Chair was withdrawn in order to enable a Member to present a petition, and was repeated as soon as the petition had been received.

I rule that the presentation of a petition to the House, under the circumstances set forth by the Hon. Member for East Kootenay, is in order.

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*A Committee must report before minority report can be presented. Reports must be presented by the Chairman.*

Mr. Beaven presented a Minority Report from the Public Accounts Committee, and moved that it be received.

29th January,  
1884.  
Journals, p. 45.

Mr. Speaker MARA ruled the motion out of order, the Committee not having reported, and the Report not being presented by the Chairman of the Committee.

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*Notice to be given of motion to adopt report of Committee.*

28th January,  
1884.  
Journals, p. 45.  
(New Rule 59.)

Mr. T. Davie presented the Eleventh Report from the Private Bills Committee, reporting that the Standing Orders, with regard to the Port Moody water privileges Bill of J. A. Webster, and others, had not been complied with, and recommending the suspension of Rule 50.

Report received.

Mr. T. Davie moved the adoption of the Report.

Mr. Speaker MARA ruled it out of order, notice of motion not having been given.

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*The Report of a Select Committee cannot be discussed until the evidence reported has been printed and laid before the House.*

18th April, 1890.  
Journals, p. 120.

Mr. Cunningham moved, seconded by Mr. Ladner,—That the Report of the Select Committee on the North Arm, Fraser River, Bridges be adopted.

The Hon. Mr. Davie raised the point of order, viz.:—"That it was not in order to discuss the report of a Select Committee until the evidence submitted with the report was printed and laid before the House."

Mr. Speaker HIGGINS ruled against the point of order.

The Hon. Mr. Davie appealed to the House, and the question being proposed "Shall the Chair be sustained?" the House divided, and the names being called for they were taken down as follows:—

Yeas: Messieurs Semlin, Grant, Cunningham, Mason, Ladner, Beaven, Orr, Duck, Haslam—9.

Nays: Messieurs Cowan, Smith, Nason, Davie, Vernon, Fry, Turner, Martin, Croft, Anderson—10.  
So it passed in the negative.

*Bills are referred to Private Bills and Railway Committees on motion. Petitions stand referred without motion, except to the Committee on Mines.*

Mr. Speaker HIGGINS—With respect to the point raised by the Hon. Member for East Kootenay, as to whether the Standing Committee on Mines is on the same footing as the Standing Committees on Private Bills and Railways, Rule 57 of our Rules and Orders provides that Private Bills shall, on motion, be referred to the Committee on Private Bills, or to some other Committee of the same character; and all petitions before the House for or against the Bill are considered as referred to such Committee. The procedure with regard to Mineral Bills is the same, with this exception, that all petitions for or against a Bill dealing with mines or mining can only reach the Standing Committee on Mines on motion.

30th March, 1892.  
Journals, p. 81-

(New Rule 66.)

*Instruction to Committee of the Whole.*

11th March, 1878. Motion to add on second reading of Bill to amend  
Journals the Constitution Act the words—"and that provision  
pp. 38, 40. be inserted in the Bill that it shall not come into  
operation until the consent of the people has been  
obtained to the proposed increased representation."

Ruled out of order by Mr. Speaker TRIMBLE.

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*Motion to empower a Committee of the Whole to do  
an act already within its powers, irregular.*

17th December, On the Order of the Day being read for the House  
1883. to go into Committee on Bill (No. 2) intituled "An  
Journals, p. 22. Act relating to the Island Railway, the Graving  
Dock, and Railway Lands of the Province,"

Mr. Beaven moved—

That the Committee be empowered to insert the  
necessary provision in the Bill to prevent the em-  
ployment of Chinese in the construction of the Public  
Works referred to therein.

Mr. Speaker MARA ruled the motion out of order,  
as the Committee already had the power to make the  
proposed alterations if it thought fit.

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## DEBATE.

*Private papers, cited from in debate, need not be laid  
upon the table.*

11th March, 1887. Mr. Speaker POOLEY gave a decision on the point  
Journals, p. 43. of order as to whether a Member was bound to lay  
upon the table of the House a private letter, portions  
of which he had cited during debate, as follows:—

There is no rule requiring the production to the  
House of any private letters, memoranda or docu-

ments which have been cited or quoted from during debate. (See *May's Parliamentary Practice*, 8th edition, pp. 350 & 351; *Bourinot*, edition of 1884, p. 347; *Canadian Hansard*, 1887, pp. 511 & 512, and pp. 584 to 588.)

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*The "Right of reply" is lost by speaking to an amendment.*

Mr. Speaker POOLEY—The question left to me for 5th March, 1888.  
consideration by the House is—  
Journals, p. 45.

Whether a Member who has moved a substantive motion, to which an amendment has been made, can speak to the amendment and still exercise a right of reply?

I think not.

By Rule 17 of our Rules and Orders, no Member (New Rule 17.) may speak twice to a question, except, &c., as therein stated. A reply is allowed to a Member who has made a substantive motion to the House, but not to any Member who has moved an amendment, &c.

If a mover of a substantive motion were to speak to the amendment and then reply, he would speak to the amendment twice, contrary to the spirit of Rule 17.

If the mover of a substantive motion chooses to speak to any amendment, he will lose his right of reply.

This has been the practice always adopted in this House, and I think it the correct one.

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*Names taken on Divisions in Committee of the Whole  
are not entered on the Journals.*

21st March, 1887.  
Journals, p. 58.

Mr. Speaker POOLEY gave his decision on a point of order raised by Mr. Beaven, as to whether the divisions taken in Committee of the Whole could be entered upon the Journals of the House, as follows:—

There is no provision for taking the names in Committee of the Whole, on division, so that they may be entered as of record on the Votes and Proceedings of the House.

The sessional order provides for the printing of the Votes and Proceedings of the House.

(New Rule 81.)

Rule 73 of the Rules and Orders of the House provides that the Rules shall be observed in Committee of the Whole House, so far as may be applicable, except the Rule limiting the number of times of speaking.

The custom of this House for a number of years has been not to take names in Committee of the Whole, and I think rightly, because no provision is made for printing the proceedings in Committee, and the foregoing Rule is also subject to the following variations, viz.: 1st—That a motion in Committee does not require to be seconded (*May*, p. 397, 8th edition); but this is a custom grown into a practice, the propriety of which is sometimes questioned. 2nd—A motion for the previous question is not admitted in Committee, though the principle of this rule is not very clear (*May*, p. 397, 8th edition), and a Committee of the Whole House cannot adjourn (*May*, p. 402).

The House is not supposed to be informed of any of the proceedings of the Committee until the Bill has been reported (*May*, 526, 8th edition); and the Chairman reports the result of the deliberations of

the Committee (*May*, 526, 8th edition), and nothing further; and the report being received becomes a proceeding of the House, and as such is entered on the Journals.

In the House of Commons the proceedings of Committees have been entered in the Journals since the 23rd February, 1839, when the Speaker submitted to the House that arrangements should be made to effect that object, to which the House assented (*May*, 8th edition, 407). No such provision has been made by this House.

If it is the wish of the House to have the proceedings of Committees of the Whole House printed, provision must be made therefor.

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*To constitute a Division the actual numbers must be counted.*

On the 24th inst. the Honourable Senior Member for Vancouver City took exception to a newspaper report that a certain Bill had passed its second reading without a division, the Honourable Member contending that, the yeas and nays having been called, therefore there had been a division. 27th February, 1891.  
Journals, p. 57.

Mr. Speaker HIGGINS:—When the point was first raised I was of opinion that it was well taken; but having since had access to *May* (9th edition), page 311, I find that I was in error.

*May* says:—"When each party have exclaimed 'according to their opinion, the Speaker endeavours to judge, from the loudness and general character of the opposing exclamations, which party have the majority. As his judgment is not final, he expresses his opinion thus: 'I think the (contents or) ayes have it;' or 'I think the (not contents or) noes have it.' If the House acquiesce in this decision, the question is said to be 'resolved in the affirma-

“‘tive,’ or ‘negative,’ according to the supposed majority on either side; but if the party thus declared to be in the minority dispute the fact, they say, ‘The contents (or not contents), the ayes (or ‘noes) have it,’ as the case may be; and the actual numbers must be counted by means of what is termed a *division*.”

It is plain, therefore, that the mere taking of the “ayes” and “noes” is not a division; and I must reverse my previous ruling and decide that the second reading of the School Bill was carried without a division.

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#### MOTIONS.

*The same question cannot be proposed twice during the same Session.*

18th April, 1882      Mr. Armstrong asked leave to introduce “An Act  
Journals, p. 49. to amend the ‘Constitution Act, 1871,’ and amend-  
ments thereto.”

Mr. Speaker WILLIAMS ruled the Bill out of order on the ground that the House had already expressed its opinion on the subject during the present Session (viz., on March 23rd, *see* Journals, pp. 25, 26), and he declined to put the question.

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*Same question cannot be twice offered.*

23rd February,      Mr. Drummond moved, seconded by Mr. J. W.  
1881. Williams,—

Journals, p. 23. That, in the opinion of this House, it is desirable that the number of members of the Managing Boards of the Royal Hospital of the City of Victoria, City of New Westminster, and Nanaimo should be changed, so as to consist of two members appointed by the Lieutenant-Governor in Council,

and that two be elected by the contributors who pay an annual subscription of two dollars and fifty cents, and shall have a vote and be eligible to be elected as directors of said Board; and that the Mayor of the City of Victoria, New Westminster, and Nanaimo shall be *ex-officio* Chairman and a member of the Board; the members elected by the subscribers shall be for the term of one year; those appointed by the Government shall act on their behalf until their appointments have been cancelled.

Mr. Speaker WILLIAMS stated that as a similar resolution had been introduced and negatived this Session, he would leave it to the House to say whether the motion was substantially the same as the last or not; according to the practice laid down in *May*, p. 306.

The House decided in the negative.

The motion now being before the House, Mr. McGillivray moved, in amendment, seconded by Mr. E. Brown, to add the words,—

“And that only one Physician shall be engaged  
“as medical attendant by the Board of Management  
“of either of the aforesaid Hospitals; but the  
“attendant Physician may call in as many Physicians  
“as he wishes for consultation in critical cases of the  
“patients.”

Amendment put and carried.

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*The rule that the same question cannot be proposed twice applies to Committees of the Whole.*

Pursuant to Order, the House again went into Committee of the Whole on Bill (No. 11) intituled “An Act to amend the ‘Public School Act, 1879.’”

17th January,  
1884.

Journals, p. 37.

Upon Mr. Speaker resuming the Chair, Mr. Wilson, Chairman of the Committee, reported progress and

asked leave to sit again; also that a point of order had arisen, upon which the direction of Mr. Speaker was desired.

Mr. Speaker MARA directed the Chairman that a new clause cannot be received in Committee of the Whole if substantially the same as another clause previously negatived.

The House again went into Committee of the Whole on the said Bill.

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*Same matter dealt with this Session.*

24th February, 1890.  
Journals, p. 34. Mr. Semlin moved that Bill No. 14 intituled "An Act to amend the 'Municipal Act, 1889,'" be read a second time now.

Mr. Speaker HIGGINS ruled the motion and the Bill out of order, as the principle involved in the clauses contained in the Bill had already been considered and dealt with this Session.

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*Similar question twice offered.*

30th March, 1893.  
Journals, pp. 102, 114. On the consideration of the Report on Bill (No. 34) intituled "An Act to amend the 'Municipal Act, 1892,'" Mr. Grant moved—

To amend section 119 of the "Municipal Act, 1892," by striking out, in line three, the words "at least three-fifths," and insert in lieu thereof the words "a majority," and the motion was carried on the following division:—

Yeas: Messieurs Semlin, Grant, McKenzie, Punch, Horne, Smith, Keith, Baker, Vernon, Eberts, Stoddart, Nason, Pooley, Turner, Martin, Croft, Hunter, Rogers, Fletcher—19.

Nays: Messieurs Sword, Kitchen, Cotton, Milne, Beaven, Brown, Forster, Watt, Davie, Booth—10.

On 6th April, on the further consideration of the Report, Mr. Beaven moved to amend section 119, as amended by the motion above mentioned, as follows :

Section 119 of the "Municipal Act, 1892," and section        of Bill (No. 34) are hereby repealed, and in lieu thereof the following shall be read :—

"119. No by-law to which the assent of the electors is necessary before the final passage thereof shall become law or of any effect unless the following number of persons qualified by this Act cast their ballots in favour thereof :—

"(a.) If 80 per cent. or more of the qualified electors cast their ballots for or against the by-law, a majority of such electors voting in favour thereof shall be necessary :

"(b.) If 35 per cent. or more, up to 80 per cent., of the qualified electors cast their ballots for or against the by-law, three-fifths of such electors voting in favour thereof shall be necessary :

"(c.) If only less than 35 per cent. of the qualified electors cast their ballots for or against the by-law, two-thirds of such electors voting in favour thereof shall be necessary."

Mr. Speaker HIGGINS ruled the motion out of order, as being similar in principle to a motion already passed upon by the House, viz., the motion first above mentioned.

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*Amendment reflecting on the past proceedings of the House out of order.*

Pursuant to Order, the adjourned debate on the consideration of the Address in reply to the Speech of His Honour the Lieutenant-Governor, was resumed.

29th January,  
1886.  
Journals,  
pp. 7, 8.

Clause 5 being again read, Mr. Beaven moved in amendment, seconded by Mr. Helgesen,—

That the following words be inserted after the word “important,” on the second line:—“but we regret exceedingly that Your Honour’s Ministers failed to advise you to provide against the employment of Chinese upon this work and upon the Esquimalt Graving Dock, as we consider a great injury has been done to the Province by that important omission.”

The debate was adjourned until the next sitting of the House.

1st February—Debate resumed.

Mr. Speaker MARA stated that objection having been taken to the proposed amendment, he would have to rule the said amendment out of order, as being a reflection on the past proceedings of this House. (See *May’s Par. Prac.*, pp. 336–338, 8th edition.)

Mr. Beaven appealed from the decision to the House.

Mr. Speaker’s decision was affirmed on the following division:—

Yeas: Messieurs Orr, Davie (Theo.), John, Pooley, McTavish, Cowan, Smithe, Davie (A. E. B.), Allen, Dingwall, Wilson, Cunningham, Drake, Robson, Duck, Martin, Dunsmuir, Raybould—18.

Nays: Messieurs Galbraith, Beaven, McLeese, Semlin, Grant, Helgesen—6.

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*Motion reflecting upon vote of the House and containing opprobrious terms, irregular.*

Mr. Speaker WILLIAMS—The Honourable Member from Cowichan moved :—

“That inasmuch as the ‘Assessment Act Amendment Act, 1878,’ and the ‘School Tax Act Amendment Act, 1878,’ are, in their provisions, generally tyrannical and oppressive, and inasmuch as they bear particularly and specially upon the poor and struggling members of the community, who for no other reason than that because of their poverty, they are unable to pay their taxes for the year in advance, are compelled to pay an excessively higher rate of taxation than those more favourably circumstanced ;

“Be it therefore resolved, That this House strongly objects to the continued operation of the Acts in question, and demands that they be repealed or modified so far as to entirely remove the objectionable features referred to in the preamble of this resolution.”

The Honourable Members for Comox and Cariboo objected to the motion, raising the point of order that the motion was contrary to the provisions of Rule 15 of our Rules and Orders, which states, among other things, that “no member may reflect upon any vote of the House, except for the purpose of moving that such vote may be rescinded.” (New Rule 15 )

I am of opinion that the motion is out of order.

Such a motion as the one in question cannot be considered merely as an evasion of the Rules of the House ; it goes further than that, for, while reflecting on a vote of the House, it is couched in opprobrious terms.

It says that certain Statutes (therein mentioned) are, in their provisions generally, “tyrannical and oppressive,” and asks the House to object to the con-

6th February,  
1879.  
Journals, p. 10.

tinued operation of those Acts, and demands their repeal. (See *Lefevre*, 155.)

The motion is uncourteous to the House, and irregular in principle, inasmuch as the Member offering the motion is himself included in and bound by the vote agreed to by a majority of the House. (See *May*, 312.)

The Honourable Member from Cowichan has requested that the preamble be omitted from the motion. Unfortunately, the motion concludes by distinctly referring to the language used in the preamble. In fact, preamble and motion are one in body and in spirit, and the notice of motion was of such a character that, had attention been called to it, I cannot but think it should have been expunged from the motion paper. (See *May*, 259.)

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*Motions to suspend Standing Rules, &c., with respect to Private Bills require notice.*

21st March, 1883.

[Journals, p. 41.] The Honourable Mr. Smithe, seconded by the Honourable Mr. Davie, asked leave to make a motion, without notice, for the purpose of rescinding the resolution for the third reading and passing of Private Bill (No. 17) intituled "An Act to authorize Robert Dunsmuir and Wadham Neston Diggle to construct a railway to connect the South Wellington wharf at Departure Bay, and the South Wellington and Wellington Railways."

Mr. Dunsmuir moved, seconded by Mr. Martin, the suspension of the Standing Rules and Orders, in order to move that the resolution for the third reading and passing of the said Bill (No. 17) be rescinded.

Mr. Speaker MARA stated that although Rule 31 permitted any motion to be made, by unanimous

consent of the House, without notice, where Private Bills were affected, Rules 30 and 67 (New Rule 32) which require due notice to be given, &c., should be strictly adhered to.

I am of opinion that motions for the suspension of the Standing Rules and Orders, to enable the House to deal with Private Bills, or resolutions affecting the same, require previous notice.

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*A motion may be withdrawn with the general consent of the House.*

Address in reply to the speech of His Honour the Lieutenant-Governor.

The fifteenth clause being again read,—

Mr. Orr moved in amendment, seconded by Mr. Ladner,—

That all the words from the beginning of the paragraph down to and including the word "Province" in the second line, be struck out and the following inserted:—"We notice that Your Honour considers that amongst the public measures requiring our consideration, is a Bill for the better protection of the timber lands of the Province; but we consider such a measure would have been of greater utility had it been passed before so much of the timber lands had been disposed of."

Mr. T. Davie moved in amendment to the amendment, seconded by Mr. John,

To strike out all the words after "before" and add—"whilst the former Beaven Government were in power; as such Government allowed the lands to be bought up and monopolized by speculators at \$1 per acre until the present administration advanced them to \$2.50."

1st February,  
1887.

Journals, p. 8.

Mr. T. Davie asked leave to withdraw the motion.

Mr. Beaven objected on the ground that it required the unanimous consent of the House.

Mr. Speaker POOLEY decided that the motion could be withdrawn with the general consent of the House.

Question proposed, and leave granted for the amendment to the amendment to be withdrawn.

*Motion to suspend Rules, &c., without notice requires unanimous consent; after notice, general consent governs.*

28th March, 1888.

Journals,  
pp. 68, 71.

Colonel Baker moved, seconded by Mr. Bole,—

That the Standing Rules and Orders of the House be suspended, in order that the prayer of the petition presented by Samuel Greer may be heard, and that leave be granted him to present a petition for a Private Bill.

There being one dissentient voice, a point of order arose—Whether, upon the consideration of a notice of motion for the suspension of the Standing Orders, of which due notice has been given, a single member of the House has the power of defeating the motion by objecting to its passage.

On the 4th April, Mr. Speaker POOLEY decided—

(New Rule 33.)

That, by Rule 31, a motion may be made by unanimous consent of the House, without previous notice.

[(New Rule 32.)

By Rule 67, except in cases of urgent and pressing necessity, no motion may be made to dispense with any Standing Order relative to Private Bills without due notice.

(New Rule 32.)

By Rule 30, two days' notice of motion is required.

May, 8th edition, pp. 290 and 291—All questions before the House are decided by the majority of votes.

If a motion be made to suspend the Standing Orders, or any other purpose, without notice, any single member can successfully object to its passage, as the consent of the House must be unanimous. When motion before the House, after due notice, either for the suspension of the Standing Orders or for any other purpose, the majority of votes in the House governs, and no single member can by objection defeat the motion.

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*General debate on motion to adjourn the House sometimes allowed on questions of public importance or urgency.*

Mr. Speaker HIGGINS gave his decision on the following point of order, viz. :—Whether an Hon. Member, upon a motion to adjourn, can discuss a question that has been already disposed of by the House, without the consent of the House? as follows :—

18th April, 1890.  
Journals, p. 119.

There is nothing in our Rules and Orders that bears on the point. I am therefore forced to resort to *May* for authority. *May*, 9th edition, page 356, says :—

“The adjournment of the House had often been moved, in putting questions, but such a course was generally reserved for occasions of urgency, and, if otherwise used, was met by the House with impatience and disfavour, and by grave remonstrances from the Chair; and, at length, the inconvenience became so serious that the following Standing Order was made on the 27th November, 1882.”

This Order requires, among other things, that a motion for an adjournment of the House shall not be made until all the questions on the notice paper have

been disposed of ; and no such motion shall be made before the Orders of the Day, or notices of motion, have been entered upon, except by leave of the House, unless forty members shall thereupon rise in their places and support the motion.

*May* (page 357) proceeds :—“ When members have “ since availed themselves of this Standing Order, the “ Speaker has desired them to state, in writing, the “ matter of public importance which they desire to “ discuss, before the pleasure of the House is taken ; “ and it is for the House itself to judge whether the “ matter so stated be of such urgent public import- “ ance as to warrant the setting aside of the other “ business appointed for the day in favour of a “ motion for adjournment.” \* \* \* “ If less than “ forty members rise in their places in support of the “ adjournment, the House will proceed at once to “ the Order of the Day, or other business, unless ten “ members should then rise and claim a division.”

I therefore rule that the Hon. Senior Member for Yale must state the matter of public importance he desires to discuss, and that it is for the House to say whether the discussion shall proceed.

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*Practice when adoption of report from Committee of the Whole is negatived—Rescinding a negative vote.*

8th April, 1892.  
Journals, p. 101.

Bill No. 35 reported complete with amendments.  
Motion to adopt the report negatived.

Mr. Speaker HIGGINS—With respect to the question asked by the Hon. Member for Westminster (Mr. Kitchen) regarding Bill No. 35, the report of the Committee of the Whole having been negatived on a motion to adopt, the Bill disappears from the

Orders of the Day. The only means by which a negative vote can be revoked is by proposing another question, similar in its general purport to that which has been rejected, but with sufficient variance to constitute a new question; and the House will determine whether it is substantially the same question or not. *May*, 9th edition, page 328.

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*Expressing abstract opinion.*

On the motion of Mr. McGillivray being called,—  
 “That, in the opinion of this House, it is expedient to establish a Registry Office at New Westminster, under the provisions of the ‘Land Registry Ordinance, 1870,’ for the convenience of the inhabitants of the Mainland,”—Mr. Speaker WILLIAMS gave his opinion that though the motion might be considered objectionable, still it should be considered as intended to lead up to the expression of an abstract opinion, and was therefore, strictly speaking, in order.

14th February,  
 1879.  
 Journals, p. 15.

The Hon. Mr. Walkem then moved in amendment, seconded by the Hon. Mr. Humphreys, to add at the end thereof the following words: “when the circumstances of the Province may warrant it.”

Proposed amendment put and carried.

Motion, as amended, put and carried.

NOTE.—Similar motions to the above would now be ruled out of order under new Rule 45.

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*Motions expressing opinion that Constitution Act should be amended in a particular manner, are mischievous and should be discouraged.*

15th February,  
1881.  
Journals, p. 16

Moved by Mr. Smithe, seconded by Mr. Pimbury,—  
That in view of the growing importance of the Electoral District of Cowichan, the increase of population, as shown by the list of voters last published, and the proportionately large amount of revenue paid, as compared with other agricultural districts of the Island, it is, in the opinion of this House, entitled to be represented in the Legislature of the Province by two Members; the “Constitution Amendment Act, 1879,” notwithstanding.

Mr. Speaker WILLIAMS :—This motion is to obtain an expression of opinion on a matter over which the Crown has sole control, viz., the amendment of the Constitution, and to override the provisions of an Act passed in the Session of 1879. All amendments to the Constitution must emanate from the Ministers of the Crown, and they are responsible to Parliament therefor; and I think motions suggesting amendments, which could not be offered by private Members, and for which the Ministers of the Crown are alone responsible, very mischievous, and they should be discouraged. But, bearing in mind my decision on a similar question (*vide* Journals, 1879, p. 25), I shall follow the rule there laid down and leave the matter to be dealt with entirely by the House.

Mr. Ash moved in amendment, seconded by Mr. Harris,—

That the word “Cowichan,” in the second line, be struck out, and the words “New Westminster” substituted, and that all the words after the word “paid” in the fourth line, be struck out, and in lieu thereof be added the words—“it is, in the opinion of this

House, desirable that a change be made in the Constitution Act, to provide for the representation of the district by three Members, and that this may be conveniently effected by including the existing Electoral District of Kootenay within the limits of the Electoral District of New Westminster."

Leave to withdraw the amendment was refused.

Amendment put and lost.

Mr. Vernon moved in amendment, seconded by Mr. Mara,—

That all the words after "That" be struck out, and the following substituted:—"in the opinion of this House it is desirable that at the next Session the question of representation should be dealt with, with a view of equalizing, as far as possible, the various Provincial interests."

Amendment put and carried.

Original resolution, as amended, put and carried.

(See new Rule 45.)

*A motion seriously affecting a Government Bill to confirm an arrangement entered into between the Provincial and Dominion Governments and third parties ruled out of order.*

On the Order being called for the Committee on 10th May, 1883. Bill (No. 48) intituled "An Act relating to the Island Railway, the Graving Dock, and Railway Lands of the Province," and the question being proposed "That I do now leave the Chair?"

Mr. Beaven moved, seconded by Mr. Helgesen,—

That this House is of opinion that the necessary provision should be inserted in Bill (No. 48) intituled "An Act relating to the Island Railway, the Grav-

ing Dock, and the Railway Lands of the Province," so as to prevent the employment of Chinese in the construction of the public works referred to therein, as a modicum of benefit to the Province for the enormous concessions gratuitously made to the Dominion Government.

Mr. Speaker MARA ruled the motion out of order. The House then went into Committee.

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PETITIONS.

*Must be properly addressed (1887, Journals, pp. 26, 89).*

*A copy will not be received (1887, Journals, p. 26).*

*Asking for public aid or relief will not be received (1887, Journals, pp. 31, 57.)*

6th April, 1888. A petition from Edward Gould and Louis Gould Journals, p. 75. (*re* claim to land in New Westminster District) was ruled out of order, the same not being addressed to the House and not being signed by the Petitioners.

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*Motion to receive a petition is not debatable.*

8th March, 1892. Mr. Croft presented a petition from "The Esqui- Journals, p. 44. malt Water Works Company," opposing Private Bill of Victoria City to amend "Victoria Water Works Act."

The petition was read, and a point of order having arisen as to the right to debate the motion to receive the petition,

Mr. Speaker HIGGINS ruled that the motion was (New Rule 94.) not debatable, under Rule 84.

The petition was then received.

*Libel against Members of the House. Contempt of Speaker's summons. Punishment, &c. Kennedy Brothers case.*

The Honourable Mr. Robson moved, seconded by the Honourable Mr. Davie,—

22nd March,  
1892.

That the attention of this House having been directed to a leading article appearing in the Daily Columbian newspaper, published on Thursday, the 17th March, 1892, intituled "OUTRAGEOUS PRESUMPTION ;"

Journals, p. 92.

Resolved, That in the opinion of this House the said leading article is a scandalous libel against certain Members of this House, and is a high contempt of the privileges and of the constitutional authority of this House, and it appearing that the said Daily Columbian newspaper is published by James M. Kennedy and Robert Kennedy, both residents of the City of New Westminster ;

Be it further resolved, that the said James M. Kennedy and Robert Kennedy be summoned to appear at the Bar of this House on Tuesday next, the 29th day of March, inst., at the hour of two o'clock, P.M., to answer for the said scandalous libel and for the contempt aforesaid.

Mr. Sword moved in amendment, seconded by Mr. Kitchen,—

To strike out all the words after "That" and insert the following: "a Select Committee be appointed to take into consideration the circumstances in connection with the article complained of and report to the House what steps, if any, should be taken."

The amendment was negatived.

Original motion proposed and resolved in the affirmative.

29th March, 1892. The Honourable Mr. Davie moved, seconded by Journals, p. 78. the Honourable Mr. Robson,—

Whereas on the 22nd day of March, instant, James M. Kennedy and Robert Kennedy, both of the City of New Westminster, were duly summoned to appear at the Bar of this House on Tuesday, the 29th March, A.D. 1892, at two o'clock P.M., to answer for a certain scandalous libel and contempt ;

And whereas default has been made by the said James M. Kennedy and Robert Kennedy in appearing upon the said summons, although due notice of the same has been served upon them, as by the affidavit of Thomas J. Armstrong appears ;

Be it therefore Resolved, That the matter of the scandalous libel and contempt aforesaid be referred to a Select Committee, to consist of Messrs. Pooley, Baker, Croft, Horne, and Forster, with power to call for persons, books, and papers, and to report to the House from time to time.

Mr. Kitchen moved in amendment, seconded by Mr. McKenzie,—

To strike out all the words after the word “Resolved” and insert the following:—“That the matter, as far as this Legislative Assembly is concerned, be now allowed to drop.”

The amendment was negatived.

Original Resolution put and carried.

9th April, 1892. Journals, p. 103. Mr. Pooley presented a Report from the Select Committee to whom was referred the matter of the scandalous libel and contempt of James M. Kennedy and Robert Kennedy, as follows :—

FRIDAY, 8th April, 1892.

MR. SPEAKER :

Your Committee, to whom the matter of the scandalous libel and contempt of James M. Kennedy

and Robert Kennedy was referred, have the honour to report,—

That having enquired into the matter, they recommend that the House proceed against the said James M. Kennedy and Robert Kennedy for the said scandalous libel and contempt.

CHARLES E. POOLEY,  
*Chairman.*

The Report was received.

The Honourable Mr. Davie moved, seconded by the Honourable Mr. Robson,—

Be it resolved, in pursuance of the recommendation of a Select Committee of this House, that James M. Kennedy and Robert Kennedy, both of the City of New Westminster, be summoned to personally appear at the Bar of this House on Tuesday, the 12th day of April, inst., at the hour of half-past two o'clock P.M., to answer as to a certain article appearing on Thursday, the 17th March, 1892, in the Daily Columbian newspaper (whereof it is stated that the said James M. Kennedy and Robert Kennedy are the publishers), intituled "OUTRAGEOUS PRESUMPTION"; which article is a scandalous libel upon certain Members of this House.

Mr. Sword moved the adjournment of the debate, which was negatived.

The motion was resolved in the affirmative.

The Honourable Mr. Davie moved, seconded by the Honourable Mr. Robson,—

12th April, 1882  
Journals, p. 121.

Be it resolved, That James M. Kennedy and Robert Kennedy, having been summoned to attend this House this day, and not attending in obedience to such summons, are guilty of a contempt, and that they be sent for in the custody of the Sergeant-at-Arms, and that Mr. Speaker do issue his Warrant accordingly.

Mr. Martin moved the "Previous Question," which was carried.

The motion was then resolved in the affirmative.

21st April, 1892.  
Journals, p. 139.

The Sergeant-at-Arms having reported to Mr. Speaker that James M. Kennedy and Robert Kennedy were in attendance at the Bar of the House, by virtue of Mr. Speaker's Warrant,

The Clerk of the House read the Resolution of 12th April, as follows :—

"Be it resolved, That James M. Kennedy and Robert Kennedy, having been summoned to attend this House this day, and not attending in obedience to such summons, are guilty of a contempt, and that they be sent for in the custody of the Sergeant-at-Arms, and that Mr. Speaker do issue his Warrant accordingly."

Mr. Speaker then asked James M. Kennedy and Robert Kennedy the following question :—

What reason do you give for your disobedience to the Summons of the House of the 9th April, 1892?

The said James M. Kennedy and Robert Kennedy replied as follows :—

*The answer of James M. Kennedy and Robert Kennedy (herein called Messrs. Kennedy).*

Messrs. KENNEDY respectfully submit :—

1. That previous to the 7th day of April, A.D. 1892, the Legislative Assembly of the Province of British Columbia did not possess the power of arrest with a view to adjudicate on a complaint of a contempt committed out of doors.

2. That the alleged offence (if any) was committed (if at all) previous to the 7th day of April, A.D. 1892, to wit, on the 17th day of March, A.D. 1892, at the City of New Westminster.

3. That they have not been guilty of any contempt against Your Honourable House, or against any Committee thereof, or against any Honourable member thereof, touching any of its privileges.

4. That they did not attend at the Bar of your Honourable House on the 29th day of March last past, as directed in the summons firstly issued on the 22nd day of March, A. D. 1892, acting under the advice of Counsel, who advised that your Honourable Body had no jurisdiction to punish as for contempt for the publication of an alleged libel committed out of doors.

5. That although sufficient notice of the granting of an injunction may be given by telegram, yet service of any process issued by or with the sanction of your Honourable House, directed to or against any party or parties whom it is sought to affect, disobedience to which would be followed by punishment as for contempt, must be personal, and the original of any such process must be shown by the party serving.

6. That at the time of the alleged service of the summons issued after the passing of the "Legislative Assembly Privileges Act. 1892," the original summons or process was not in the possession of the party effecting such service, nor was it in the City of New Westminster, where the alleged service was attempted to be effected.

7. That the said Act, viz., "Legislative Assembly Privileges Act, 1892," does not give to your Honourable House jurisdiction to entertain any application in the nature of process for contempt in respect of the matter complained of herein, inasmuch as the alleged contempt was committed (if at all) before the passing of the said Act.

8. That the said Act itself is *ultra vires* so far as punishing for libel alleged to have been published out of doors.

9. That the said Act is not expressed to be retrospective, yet in the proposed application of it against Messrs. Kennedy it is construed so as to be retrospective.

10. That should it be attempted to punish, as for non-attendance or disobedience to any summons, subpœna, or warrant, Messrs. Kennedy contend that it must be and is in respect of a summons, subpœna, or warrant issued in a matter which this Honourable House has no jurisdiction to enquire into.

11. That they *bona fide* believed that no summons, subpœna, or warrant had been issued, and the alleged notice by telegraph of an alleged summons was not genuine, as the circumstances surrounding the proceedings in this matter, from its very inception, will prove that their belief was not unreasonable.

12. That the editorial published in the "Columbian" of the 24th March last past explains the article published in the said newspaper on the 17th day of March last past (being the alleged libel constituting the contempt herein), and clearly demonstrates the fact that Messrs. Kennedy did not make any personal charges against any of your Committee, or any member thereof, or against any member of your Honourable House.

13. That Messrs. Kennedy believed at the time, and still do believe, that the public interests would have been better served by the granting of the Charter referred to in the said article, so that the carrying passengers between the two cities should not be a monopoly.

14. That they believed, and still do believe, that it was their duty, as public journalists, to criticize

the action of the Committee in reporting against the said Bill.

The article published in the "Daily Columbian" on the 24th March last, referred to in the said answer, having been read by the Clerk of the House,

Mr. Speaker asked the said James M. Kennedy and Robert Kennedy if the said article was offered by them as an apology? and received the reply—"We offer it as an explanation."

Mr. Speaker—"Have you anything further to say?"

Answer—"No."

Mr. Speaker then ordered the said James M. Kennedy and Robert Kennedy to withdraw from the Bar of the House in custody of the Sergeant-at-Arms, pending the expression of the pleasure of the House.

The Honourable Mr. Davie moved, seconded by the Honourable Mr. Robson,—

That James M. Kennedy and Robert Kennedy having been guilty of a contempt of this House, they be committed to the custody of the Sergeant-at-Arms of the Legislative Assembly, and be brought to the Bar of the House to-morrow, Friday, the 22nd April, 1892, at 11 o'clock a.m.

Mr. Beaven moved in amendment, seconded by Mr. Semlin, to strike out all the words after "That" and insert in lieu thereof, "the House proceed no further in this matter, and that James M. Kennedy and Robert Kennedy be now discharged from custody."

Question proposed "Shall the words proposed to be struck out stand part of the question?" and resolved in the affirmative.

The debate on the original question was resumed.

Mr. McKenzie moved, seconded by Mr. Kellie,—  
To add at end of resolution “to be then discharged from custody.”

Question proposed “Shall the words proposed to be added stand part of the question?” and resolved in the negative.

Original motion put and carried.

22nd April, 1892.  
Journals, p. 141.

The Sergeant-at-Arms having reported to Mr. Speaker that James M. Kennedy and Robert Kennedy were in attendance at the Bar of the House,

The Clerk of the House read the Resolution of 21st April, as follows:—

“Resolved that James M. Kennedy and Robert Kennedy having been guilty of a contempt of this House, they be committed to the custody of the Sergeant-at-Arms of the Legislative Assembly, and be brought to the Bar of the House to-morrow, Friday, the 22nd April, 1892, at 11 o'clock A.M.”

Mr. Speaker then asked the said James M. Kennedy and Robert Kennedy if they had anything further to add to their statement made yesterday, or whether they had any apology to make to the House for their conduct?

Answer—“We have nothing further to say.”

Mr. Speaker then ordered the said James M. Kennedy and Robert Kennedy to withdraw from the Bar of the House in custody of the Sergeant-at-Arms pending the expression of the pleasure of the House.

The Honourable Mr. Davie, moved, seconded by the Honourable Mr. Vernon,—

That James M. Kennedy and Robert Kennedy having been guilty of a contempt of this House, and being brought to the Bar in custody of the Sergeant-at-Arms, be for their said offence committed to the custody of the Sergeant-at-Arms attending the Leg-

islative Assembly, and that Mr. Speaker do issue his Warrant accordingly.

Mr. Booth moved the "Previous Question," which was resolved in the affirmative.

Original question proposed and resolved in the affirmative.

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The following is the opinion given by Dr. *J. G. Bourinot* as to the powers and privileges of the Legislative Assembly:—

My opinion is, that the Legislative bodies of Canada, generally speaking, have complete authority to punish those who refuse to obey the orders of the House. If a person refuses to obey an order he can be adjudged guilty of contempt, and arrested and imprisoned. It seems to me all Legislative bodies should have as full powers as English or Dominion Commons to enforce obedience to their orders within their constitutional jurisdiction. The other Provinces of Canada have by express grant invested themselves with all such powers as are necessary to enforce obedience to their orders, protect their members, and punish contempt; but now looking carefully and deliberately into the powers of the British Columbia House since first mentioned to me, there appears a great defect in its legislation. It seems limited in terms, and not to give as full privileges by express grant as is enjoyed by such grant by other Provinces. It seems necessary you should amend your legislation, and invest yourself with large powers like the Quebec Legislature. The Supreme Court, in the case of *Landers v. Woodworth*, 2 S.C.R., 158, decided that such express grant was necessary. My opinion still inclines to favour the inherent powers of the Legislature to punish contempt, but the decision of Supreme Court, and cases

therein cited, makes it necessary to proceed with caution, and to show the advisability of taking an express grant of all power. In view of decisions of the highest Courts as to the plenary jurisdiction of Canadian Legislatures within their constitutional limits, there can be no doubt that it is competent for them to extend or limit in any particular the executive and legislative parts of the constitution of a Province, except as to the Lieutenant-Governor's office. Under this power as full privilege can be given them as those possessed by the English or Canadian Commons. (*See Bourinot's Parliamentary Procedure*, first or second edition, chapter four, last section, which sets forth the present constitutional position of Provinces.)

J. G. BOURINOT.

*Ottawa, Ont., April 9th, 1892.*

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*A motion involving a matter of privilege cannot be postponed at pleasure of the mover.*

13th February,  
1888.  
Journals, p. 14.

Mr. Speaker POOLEY—The matter left to me for consideration by the House is the question—Whether the resolution\* of the Honourable Member for Comox, which refers to the Honourable the Senior Member for Nanaimo, is an ordinary motion, which the mover can postpone at pleasure?

When the matter was placed before me on Friday last, I was of opinion that it involved a point of order; but the House gave me time to look more fully into the matter, and I find that my first

impression was erroneous, as no question affecting the Orders of the House is involved, but that the motion undoubtedly involves a matter of privilege, as it virtually questions the right of the Honourable the Senior Member for Nanaimo to sit in this House or take part in its proceedings.

The House has full control over its privileges, as also over the Members of the House.

In *May's Parliamentary Practice*, 9th edition, page 290, the following case, amongst others, is mentioned as follows:—"On the 22nd July, 1861, a motion "being proposed concerning the conduct of a member, in connection with a joint-stock company, the "Speaker said it was doubtful whether it was properly a matter of privilege; but as it affected the "character of a member, it could be proceeded with, "if it was the pleasure of the House. The member "concerned having expressed his desire that the discussion should be proceeded with, the motion was "made at once."

The present resolution even goes further than this, as any Honourable Member will see.

The Honourable the Senior Member for Nanaimo has the right to ask the House to proceed with the matter, and the House has the right, in its pleasure, to say when the motion shall be proceeded with.

This is not an ordinary motion, which the mover can postpone at pleasure.

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\*The resolution appears in full at page 24 of the Journals.

NOTE.—This question is now provided for by new Rule 25.

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*Previous question resolved in the negative upon the second reading of a Bill.—Notice of motion required to place the Bill on the Orders of the Day again.*

10th March, 1879.  
Journals, p. 31.

Mr. Vernon moved the second reading of Bill (No. 19) intituled "An Act to amend the 'Constitution Amendment Act, 1878,' by providing for a redistribution of Seats in the Districts of Nanaimo, New Westminster, Esquimalt, and Cassiar."

Objection being taken that as on the motion for the second reading of the Bill the previous question had been moved and resolved in the negative, that the Bill should not have been placed upon the Orders of the Day without two days' notice having been given, Mr. Speaker WILLIAMS stated his opinion that it was rightly so placed until the House ordered otherwise.

The House was appealed to, and the Chair was not sustained.

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### QUESTIONS.

*Question involving a legal opinion cannot be put.*

9th February,  
1886.  
Journals, p. 20.

Mr. Orr asked the Honourable the Attorney-General the following question:—

Under what authority do the present Canadian Pacific Railway Company propose to extend the Canadian Pacific Railway to Coal Harbour and English Bay, without first obtaining a charter from the Legislature of the Province of British Columbia?

Mr. Speaker MARA ruled the question out of order, as it asked for a legal opinion.

*Question involving matter of opinion not to be asked.*

Mr. Higgins asked the Honourable the Chief Commissioner of Lands and Works the following question :—

7th February,  
1887.  
Journals, p. 12.

Is he aware that there is stored in a frame building, within a few hundred feet of the Government Buildings, a large quantity of powder; and that the existence of said explosive in its present exposed condition is a menace to Government as well as private property?

Mr. Speaker POOLEY ruled the question out of order, as containing matter of opinion.

*Question involving legal opinion.*

Mr. Hall asked the Honourable the Attorney-General the following question :—

19th March,  
1892.  
Journals, p. 127.

Is clause 7 of Bill No. 35 (Game Bill) constitutional?

Is the prohibition therein contained, which prevents the exportation of deer skins (of which this Province has exported at least \$20,000 worth annually) an interference with trade and commerce?

Mr. Speaker HIGGINS ruled the question out of order, as involving an expression of a legal opinion.

*The Votes and Proceedings record the result of the proceedings of the House and not all the details showing how those results were arrived at.*

21st February,  
1888.

Journals, p. 30.

The Hon. T. Davie raised a point of order with reference to the entry on yesterday's Votes and Proceedings, claiming that the names of those Members who were proposed by him to sit on the Committee for enquiry into the charges against the President of the Council, and who refused or declined to act, should appear on the Votes and Proceedings as having been so proposed and that they so refused to act.

Mr. Speaker POOLEY stated that only the results of the proceedings of the House were entered on the Journals, and not the proceedings by which those results were arrived at, and decided that the Votes and Proceedings were correctly recorded.

The Hon. T. Davie appealed from the decision to the House, and the Chair was sustained on division.

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#### REVENUE—TAXES—EXPENDITURE.

*Bills affecting revenue or involving expenditure of public money cannot be introduced by private members.*

8th March, 1877.  
Journals, p. 19.

Bill to provide for and regulate the printing, &c., of the Statutes, &c.

27th August,  
1878.  
Journals, p. 103.

Members Indemnity Bill.

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*Tax Bill—Instruction to the Committee to amend the Bill varying the incidence of taxation cannot be moved.*

Moved by Mr. Mara, seconded by Mr. Smithe,—

13th March, 1879.

Journals, p. 34.

That Bill No. 23, intituled “An Act to amend the Assessment Act,” be recommitted for the purpose of inserting as sub-sections 4, 5, and 6 of clause 6, the following :—

“(4.) Land upon which five head of horses or cattle per 100 acres are depastured: Provided such exemption shall not extend to lands of a value not exceeding \$5 per acre.

“(5.) Land upon which fifteen head of sheep per 100 acres are depastured: Provided such exemption shall not extend to lands of a value exceeding \$5 per acre.

“(6.) Land upon which horses, cattle, or sheep, or any of them, are depastured together, the total number being in accordance with the proportion established by the two preceding sections: Provided such exemptions shall not extend to lands of a value exceeding \$5 per acre.”

A point of order having been raised,

Mr. Speaker WILLIAMS ruled that the proposed amendment being one that would vary the incidence of taxation, he would follow English Parliamentary practice, and not put the question.

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*Bills imposing Taxes should be introduced by a Member of the Government.*

19th March, 1878.  
Journals, p. 91,  
xl.

Mr. Speaker TRIMBLE:—The Chairman of the Committee on Bill No. 8, intituled “An Act relating to certain Acts and Ordinances,” reports the Bill complete, with amendments.

The amendments made to the Bill were proposed by a private member, the Honourable Member for Victoria City (Mr. Drummond).

These amendments, in addition to taxes imposed by the Bill before amendment, impose the following further taxes, viz.:—

“Upon any person practising as a Physician, Surgeon, or Land Surveyor, twenty-five dollars for every six months.”

A point of order has been raised by the Honourable Member from Comox, that the taxes proposed by the amendment were not recommended by Message from His Honour the Lieutenant-Governor, and are therefore in contravention of the provisions of the 54th section of the “British North America Act,” which provides that the House “shall not adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the public revenue, or of any tax or impost to any purpose, that has not been first recommended by Message of the Lieutenant-Governor,” &c.

Neither the Bill nor amendment propose to appropriate any portion of the public revenue, or any part of any tax or impost upon the people, and the provisions of this section do not therefore apply in the present instance.

This position is borne out by the proceedings of the House of Commons at Ottawa, and the authority hereinafter referred to.

The objection of the Honourable gentleman from Comox is therefore untenable, and falls to the ground.

It is, however, a Bill that should, according to Rule 85 of our Rules and Orders, originate in Committee of the whole House, and should be introduced by a member of the Government.

Mr. Speaker Cockburn, in deciding upon a point of order raised on the second reading of a Bill to remove doubts as to the liability to stamp duties of premium notes taken or held by mutual fire insurance companies, objecting that the Bill must, under the 54th section of the "British North America Act," be first recommended by Message from the Crown, and also that the Bill should originate in Committee of the Whole, gave his decision as follows:—

"There being no appropriation of money proposed, "there need be no recommendation from the Crown, "and the objection rests on the ground that as it "involves an additional charge upon the people the "Bill should have originated in Committee of the "Whole, and should have, moreover, been proposed "by a Minister."

Instances may undoubtedly be found in the Journals of the English House of Commons of Bills and Motions being introduced by private members to increase taxation, some of which have passed unchallenged, whilst in other cases the indirect assent of a Minister has been deemed sufficient.

Recently, however, (in 1869) a high authority (Sir Thomas Erskine May) stated before a Joint Committee of the two Houses of Parliament "that "no private member is permitted to propose an "Imperial tax upon the people. It must proceed "from a Minister of the Crown, or be in some form

“declared to be necessary for the public service.”  
(*See Speakers’ Decisions*, by *Lefevere*.)

Where the general question of a revision of the Customs Duties has been submitted to the House by the Crown, it is competent for a member (to a certain extent) to increase or to diminish a particular rate of duty proposed, or even to insert in the schedule a new rate of duty, provided it relates to an article already included therein.

But this amendment goes further, it imposes new and distinct taxes. (*See Todd*, 451, 452.)

Further than this, the amendment was not a matter which had been committed to the Committee by the House, for the additional taxes proposed by the amendment had not been previously reported by a Committee and agreed to by the House. (*See May*, p. 362, 470.)

It might be argued that, this being a Bill relating to municipalities, the amendment was in order in accordance with *May*, p. 448, which states “That the  
“rule has been held not to apply to Bills authorizing  
“the levy or application of rates for local purposes, by  
“local officers or authorities representing or acting on  
“behalf of the ratepayers.” And on page 449, of the same distinguished authority, it states “that local  
“rates never have been regarded as coming within  
“the Standing Order,” *i. e.*, the Standing Order of the English House of Commons, from which our  
(New Rule 95.) Rule, No. 85, is copied verbatim.

But on looking into the Bill as introduced, and as amended, it will be seen that the Bill imposes certain taxes on Barristers, Attorneys, Physicians, Surgeons, and Land Surveyors generally throughout the Province, *i. e.*, the taxes or imposts are Provincial taxes and not merely municipal rates, and therefore do not come within this exception to the general rule.

To follow the practice of *this* House would be irregular ; the rules in respect to Bills, subject to the provision of the 54th section of the “British North America Act” and Rule 85 of our Rules and Orders, not having been regarded in former years. Among instances of such disregard of parliamentary practice, Bill No. 11 of 1876, and Bill No. 13 of 1877, and Bill No. 12 of 1878, may be cited.

Bill No. 11 of 1876 was amended, in the same manner as it is proposed to amend the Bill in the present instance, by inserting as sub-section (*q.*) the following :—

“(q.) By every person not being a permanent resident in British Columbia, and not being a commercial traveller, who trades or sells any goods whatsoever in the Province, \$150 in advance every year : Provided, that in the Electoral District of Kootenay, the sum of one per cent. only shall be paid by any person engaged in the business of packing, on the gross value of the cargo.”

Bills Nos. 13, of 1877, and 12, of 1878, each appropriated \$15,000 of the Consolidated Revenue of the Province, and in contravention of the 54th section of the “British North America Act” both these Bills were introduced without a Message from the Crown recommending the same.

With respect to the rule that such a Bill or Motion as the one under discussion should be introduced by a Minister, or if initiated by a private member (a practice which should be discouraged), a Minister should assume the responsibility of it.

To follow out the decisions referred to, I shall have to rule the amendment out of order.

If the House agrees with me as to the desirability of adopting this constitutional restriction, it will

become my duty to enforce the observance of the rule hereafter.

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*Bills appropriating Public Moneys must be first recommended by Message.*

7th April, 1877.  
Journals, p. 48.

Bill authorizing municipalities to retain Court fines, &c.

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*A motion for Committee of the Whole to consider claims, with a view to the payment of the same by the Crown, cannot be moved.*

17th February,  
1881.  
Journals, p. 19.

Moved by Mr. Drummond, seconded by Mr. Ferguson,—

That this House do resolve itself into a Committee of the Whole for the purpose of considering the claims of creditors of Messrs. Reed Bros., on account of Cofferdam claims.

The motion, as it appeared on the notice paper, reads as follows:—

“That this House do resolve itself into a Committee of the Whole for the purpose of considering the claims of creditors of Messrs. Reed Bros., on account of Cofferdam claims, with a view to adjusting such claims out of any moneys which may be found due from the Government to the Contractors in respect of Cofferdam.”

Mr. Speaker WILLIAMS ruled the motion out of order, as it conflicted with section 54 of the “British

North America Act," and the Honourable Member cannot drop the latter portion of the motion without giving an amended notice. (*See English Rule 113, Lefevere, p. 328.*)

The decision of the Chair was appealed from.

The Chair was sustained.

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*A motion involving the expenditure of public money cannot be moved.*

Mr. McGillivray moved, seconded by Mr. Harris,—

21st February,  
1891.  
Journals, p. 20.

That, in the opinion of this House, it is expedient to establish a Registry Office at New Westminster, under the provisions of the "Land Registry Ordinance, 1870," for the convenience of the inhabitants of the Mainland.

Mr. Speaker WILLIAMS ruled the motion out of order.

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*Clauses dealing with Revenue and Crown lands cannot be inserted in a Bill by Private Members.*

Moved by Mr. Orr, seconded by Mr. Ladner,—

2nd March, 1887.  
Journals, p. 36.

That the order for the consideration of the report on Bill No. 7 be discharged, and the Bill recommitted for the purpose of striking out clause 3 and adding the following instead:—

"That upon the coming into force of this Act, the Chief Commissioner is hereby authorized to issue Crown grants to all settlers who have complied with the land regulations, at the rate of \$1 per acre, and

“that the said money shall be kept in a separate account for dyking purposes within the limits of said lands.”

Mr. Speaker POOLEY ruled the motion out of order as dealing with Revenue and Crown lands.

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*Amendments to a Tax Bill, striking out exemptions from taxation therein contained, cannot be moved in Committee of the Whole.*

24th March, 1891.  
Journals, p. 85.

Mr. Speaker HIGGINS gave the following decision:—

I am asked to rule as to the admissibility of an amendment moved in Committee of the Whole by the Hon. Member for Yale (Mr. Semlin) to clause 4 of Bill (No. 66) intituled “An Act to amend the ‘Assessment Act.’”

This Bill was reported to the House from the Committee of the Whole.

Clause 4 exempts from taxation certain portions of the works of a railway company.

The amendment proposes to strike out certain of the exemptions. It is claimed by the Hon. the Premier that the amendment is out of order, for the reason that in diminishing the number of exemptions it aims to increase the burden of taxation.

*May*, page 564 (9th edition), says:—“If a schedule of duties has been reported from a Committee, and agreed to by the House, the Committee on the Bill cannot increase such duties, nor add any articles not previously voted.” \* \* \* “But where exemptions from duty are repealed, and the duty

“therefore increased, a Preliminary Committee is necessary before the Committee on the Bill can agree to such a provision.”

I therefore rule that the amendment is not in order.

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*Bill interfering with taxation ruled out of order.*

Mr. Speaker HIGGINS ruled that Bill (No. 67) 27th March, 1893. Journals, p. 91. intituled “An Act to amend ‘An Act relating to the Island Railway, the Graving Dock, and Railway Lands of the Province,’” was out of order, and could not be proceeded with as it interfered with taxation.

The Order for the second reading of the Bill was then discharged.

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*A clause in a Bill directing small fees to be levied on proceedings taken thereunder is a matter of procedure and not dealing with revenue.*

*Powers of Private Members in introducing legislation considered.*

Mr. Speaker MARA :

On the motion for the second reading of Bill (No. 6) 6th March, 1883. Journals, p. 24. intituled “An Act to repeal the 43 Vict., chap. 4, intituled ‘An Act to abolish priority of and amongst Execution Creditors,’ and for other purposes,” Mr. Beaven raised the following objections:—

“1st. That the Bill dealt with Revenue.

“2nd. That the Bill was of such a nature that, if introduced at all, it should be brought in by the Government.”

Clause 26 of the Act which it is alleged deals with Revenue, directs certain small fees to be levied on proceedings taken under the Act. The title of the

Act (the "Creditors' Relief Act, 1880,") shows that the Bill is not a Tax Act, and I think the clause above referred to cannot be said to deal with Revenue within the meaning of Parliamentary practice, but partakes more of the nature of procedure, otherwise the majority of the Acts on the statute book would be open to the same objection.

As to the second objection—

"By modern constitutional practice, Ministers of the Crown are held responsible for recommending to Parliament what laws are required to advance the national wellfare, or to promote the political or social progress of any class or interest in the commonwealth; and they are required to prepare and submit to Parliament whatever measures of this description may be needed for the public good; and also to take the lead in advising Parliament to amend or reject all crude, imperfect, or otherwise objectionable measures which may at any time be introduced by private members." (*Todd*, vol. 2, pp. 299, 300.)

"On the other hand, it should be freely conceded to private members that they have an abstract right to submit to the consideration of Parliament, measures upon every question which may suitably engage its attention, subject only to the limitations imposed by the prerogative of the Crown, or by the practice of Parliament." (*Todd*, p. 310.)

Numerous precedents can indeed be adduced of the introduction of important Public Bills by private members; but unless with the direct consent and co-operation of Ministers they have never attained the sanction of Parliament.

A most useful purpose is served by the free investigation and debate in Parliament of every question affecting the community at large, by granting to

private members adequate opportunity for introducing to the notice of Parliament projects for effecting desirable reforms in our political or social system, and by facilitating the discussion of such measures, until public opinion is sufficiently agreed upon them to render legislation not only safe but expedient, when it will become the duty of the Ministers of the Crown to assume the responsibility of advising the passing of Bills in Parliament giving effect to the same.

The Ministers of the Crown have not offered any objection to the Bill in question; it does not affect the prerogatives of the Crown, and the practice of Parliament does not limit the introduction of such measures to the Ministers of the Crown.

It is not for me, but for the House, to say whether the repeal of the "Creditors Relief Act, 1880," is such a great and important matter as to require it to be taken up by the Government."

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*Bills for grant of public money originate in Committee of the Whole.—Bills for other purposes, incidentally requiring the application of public money, may be introduced on motion.*

Motion for the second reading of Bill (No. 3) intituled "An Act respecting the consolidation of the Statute Laws of British Columbia." 9th March, 1886. Journals, p. 45.

Objection taken by Mr. Beaven, that the Bill should be brought down by Message from His Honour the Lieutenant-Governor, and originate in Committee on the Whole.

MR. SPEAKER MARA—When the main object of the Bill is the grant of money, it is invariably brought in upon the resolution of the Committee of the Whole, in the first instance; but when it becomes incidentally necessary to authorize the application of money to a particular purpose, the Bill may be introduced upon motion. The practice and rule require that the money clauses should be considered in Committee of the Whole; and in order to accomplish this object, without any violation of the Standing Orders, the money clauses are originally produced in italics. Such clauses form no part of the Bill as originally brought in, and are treated as blanks. The object in printing these clauses in italics is to direct the attention of the Chairman that they are money clauses; but as Speaker Kirkpatrick, in the Canadian House of Commons, in deciding a similar point of order on April 1st, 1884, said,—I do not think we ought to allow the printer, by using one type or another, to cast a Bill.

Although the Bill is in order, and can be read a second time, I think clause 2\* ought not to be considered as part of the Bill until it has been reported upon by a preliminary Committee.

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\*Clause 2 of the Bill was as follows :—

2. It shall be lawful for the Lieutenant-Governor in Council to issue his warrant to the proper officer for any sum or sums as he may think fit, as a remuneration for the said Commissioners, and also for such further charges and expenses as shall have been incurred, laid out, and expended in the printing and binding of the said Acts, Ordinances, and Proclamations, or incident thereto.

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*A Committee of the Whole cannot recommend the expenditure of public money.*

Mr. Wilson moved,—

That this House do resolve itself into a Committee of the Whole for the purpose of considering the advisability of offering a reward for the discovery of a new gold field.

*Ordered*, That the House do resolve itself into the said Committee now.

(IN THE COMMITTEE.)

*Resolved*, That this Committee respectfully recommend that the Lieutenant-Governor in Council do offer a reward of not less than \$5,000 for the discovery of a new gold field, upon such terms and subject to such conditions as the Lieutenant-Governor in Council may deem expedient.

Upon Mr. Speaker resuming the Chair, Mr. Raybould, Chairman of the Committee, reported the Resolution.

Mr. Speaker MARA ruled the Report of the Committee out of order.

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*A Bill to repeal a tax cannot be introduced by a Private Member.*

Upon the Order of the Day being read for the second reading of Bill (No. 12) intituled “An Act to amend the ‘Chinese Regulation Act, 1884,’ ”

25th February,  
1886.  
Journals, p. 36.

Mr. Beaven raised the point of order—That a Bill to repeal a tax could not be introduced by a Private Member.

Mr. Speaker MARA held that the objection was well taken.

*Bills contemplating the appropriation of Public Revenue must be recommended by Message.*

4th April, 1888. On 27th March (Journals, p. 67) the Hon. Mr. Robson moved—  
71.

That Bill (No. 47) intituled “An Act respecting the Sale of Intoxicating Liquors, and the issue of Licences therefor,” be read a second time now.

Objections having been taken to the Bill, the debate was adjourned.

On 4th April, Mr. Speaker POOLEY gave his decision on the objections as follows:—

The questions left for my decision are—

1st. Whether the Bill intituled “An Act respecting the sale of Intoxicating Liquors, and the issue of Licences therefor,” has been properly introduced by the Message from His Honour the Lieutenant-Governor? and

2nd. Is this a tax bill?

The Lieutenant-Governor’s Message is as follows:—

“The Lieutenant-Governor transmits to the Legislative Assembly a Bill respecting the sale of intoxicating liquors, and the issue of licences therefor, and consents to the same being introduced for the consideration of the Legislative Assembly.

“*Government House, 21st March, 1888.*”

In the introduction of Bills affecting liquors the practice of the House has not been uniform. I find on referring to the Journals of the House for the year 1875, that the “Licence Amendment Act, 1875,” which created additional licences, was introduced to the House by the Honourable Attorney-General, Mr. Walkem, without Message, nor did it originate in Committee of the Whole.

In the Journals of the year 1876 I find that the “Licence Amendment Act, 1876,” (No. 11) creating

new licences, was originated in Committee of the Whole without a Message; the motion to go into Committee being moved by the Honourable T. B. Humphreys, seconded by the Honourable F. G. Vernon.

And also in the same Journals, a Bill to further amend the "Licences Ordinance, 1867," also creating a new licence, was originated in Committee of the Whole without a Message; the motion to go into Committee being moved by Mr. Mara, a private member, seconded by the Honourable F. G. Vernon.

In the Journals of 1879 I find the "Licences Amendment Ordinance, 1879," which creates additional licences, was brought down by Message from the Lieutenant-Governor. This is the first and only instance of the kind that I can find where this practice has been adopted.

In *May's Parliamentary Practice*, 8th edition, pages 489 and 490, Bills for the regulation of public houses, refreshment houses, and beer houses, or to amend the licensing laws, have been required to originate in a Committee as Bills affecting a particular trade.

Section 40 of the Rules and Orders of this House (New Rule 43.) is as follows:—

"No bill relating to trade, or the alteration of the laws concerning trade, is to be brought into the House until the proposition shall have been first considered in a Committee of the Whole House, and agreed unto by the House."

Section 92 of the British North America Act reads as follows:—

"In the Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated:—

“Sub-sec. 2. Direct taxation within the Province “in order to the raising of a revenue for Provincial “purposes.

“Sub-sec. 9. Shop, saloon, tavern, auctioneer, and “other licences, in order to the raising of a revenue “for Provincial, local, or municipal purposes.”

The distinction between taxes and licences is here recognized. A tax is a compulsory payment, and the payment for a licence is a permissive or optional payment.

I am of opinion that this is not a Tax Bill, but is a Bill affecting a particular branch of trade, and if the Bill did not go further than the mere regulation of the amount to be paid for a licence, or limiting the number of licences to be issued, I should decide that the Bill could have been originated in Committee of the Whole without a Message from the Lieutenant-Governor; but this Bill goes much further, and (section 4) gives the Lieutenant-Governor in Council power to appoint Licence Commissioners and Inspectors, at such remuneration as he shall think fit, and in section 49, sub-section (2), gives the Lieutenant-Governor in Council power to apply the licence fund for the payment of the salary and expenses of the Commissioners and Inspectors and for the expenses of the office of the Board, or otherwise in carrying the provisions of the law into effect, &c.

This is an appropriation of part of the public revenue (section 92, sub-section 9, B. N. A. Act, licences form part of public revenue), and by section 54 of the British North America Act it is provided that the House shall not adopt or pass any vote, resolution, address, or Bill for the appropriation of any part of the public revenue, &c., to any purpose that has not been first recommended by a Message from the Lieutenant-Governor, &c.

This being an Act which contemplates the appropriation of part of the public revenue must be recommended by a Message of the Lieutenant-Governor. This has not been done, and I must, therefore, rule that the Bill has not been properly introduced.

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NOTE.—It will be noticed that the Message did not *recommend* the introduction of the Bill, but only *consented* to its introduction.

This ruling was followed in 1891 by Mr. Speaker HIGGINS. See next decision.

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*Bill appropriating public Revenue.*

The Order for the House to again consider Bill (No. 2) intituled "An Act to prevent the spread of Contagious Diseases among horses and other domestic animals," being called,

3rd February,  
1891.  
Journals, p. 19.

Mr. Beaven raised the point of order—"That as clause 18 contemplates the appropriation of part of the public revenue, the Bill should have been recommended by Message, and was, therefore, not properly introduced."

Mr. Speaker HIGGINS referred to the decision of Mr. Speaker POOLEY on a similar question (*see* Journals, 1888, page 71), and ruled the Bill out of order.

The order for Committee was then discharged.

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*A motion expressing opinion involving the expenditure of public money ruled out of order.*

16th February,  
1881.

Journals, p. 18.

Moved by Mr. Smithe, seconded by Mr. Mara,—

Whereas the prosperity of the Province would be materially and permanently increased by the erection in this Province of a factory for the manufacture of woollen materials :

And whereas it is desirable and expedient to encourage such an enterprise :

Be it therefore Resolved, That in the opinion of this House, it is expedient that the sum of dollars be given as a bonus to the first person or persons, or corporation of persons, who shall, within the said Province, erect, in the course of the next two years, a factory for the above purpose, and in such erection expend the sum of forty thousand dollars ; the said bonus to be paid after such erection and expenditure of forty thousand dollars as aforesaid, and to the satisfaction of the Lieutenant-Governor in Council, out of the Consolidated Revenue of this Province.

A point of order having arisen,

Mr. Speaker WILLIAMS—The motion of the Member for Cowichan is objectionable.

The recommendation of the Crown must be had, as provided by section 54 of the “British North America Act.”

“This House will not proceed upon any motion for “a grant or charge payable out of the Consolidated “Revenue of the Province, that has not been recommended by the Crown.” (*May*, p. 604.)

“And this rule is extended by the uniform practice “of Parliament to any motion which—though not “directly proposing a grant—involves the expenditure of public money.” (*May*, p. 605.)

“Yet, in this case, the proposal is direct and specific. So strictly has this rule been enforced that the House has refused to receive a Report from a Select Committee suggesting an advance of money.” (*May*, p. 605.)

But the Honourable Member may maintain that the resolution is merely expressive of an abstract opinion of the House; such resolutions have been allowed upon the principle that, not being offered in a form in which a vote of the House for granting money or imposing a burden can be regularly agreed to, they are barren of results, and are, therefore, to be regarded in the same light as any other abstract resolutions. But for that very reason they are objectionable, and being, also, an evasion of wholesome rules, they are discouraged as much as possible. (*May*, p. 607.)

I rule the motion out of order.

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*No resolution expressing opinion recommending expenditure of public money can be put from the Chair unless recommended by the Crown—Rule 45.*

Mr. Brown moved—That Bill (No. 18) intituled “An Act to further amend the ‘Provincial Voters’ Act,” be read a second time now.

9th February,  
1893.

Journals, p. 16.

Mr. Beaven moved in amendment, seconded by Mr. Kitchen,—

To strike out all the words after “That” and insert—“the question of extending the franchise to women in Provincial Elections should be submitted in a direct manner to the women who would be qualified as voters under this Act, if made law, before legislating upon the subject.”

Mr. Speaker HIGGINS ruled the motion out of order under Rule 45.

30th March, 1893.  
Journals, p. 101.

Mr. Watt rose to move the following Resolution:—

That, in the opinion of this House, it would be in the best interests of the Province if the Government were to inaugurate a scheme for the survey of those sections of Yale, Kootenay, Lillooet, and Lower Cariboo Districts in which irrigation is required for the successful prosecution of agriculture, in order to show how lands now comparatively valueless may be supplied with sufficient water for purposes of irrigation; such surveys to show the source of water supply, its amount, the direction, length, capacity, and cost of the necessary ditches, and the acreage which will in this way be reclaimed.

Mr. Speaker HIGGINS ruled the motion out of order, as being contrary to the provisions of Rule 45.

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*A Bill to amend the Acts for the Assessment of Taxes  
cannot be introduced by a Private Member.*

24th March, 1890.  
Journals, p. 85

Mr. Duck moved—That Bill (No. 52) intituled “An Act to amend the ‘Assessment Act,’” be read a second time now.

Mr. Speaker HIGGINS ruled the motion and the Bill out of order, as it proposed to interfere with the revenue of the Province and could only be introduced by a Minister of the Crown.

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*Bills to regulate Trade and Commerce cannot be introduced.*

Mr. Duck asked leave to introduce a Bill intituled "An Act to regulate day labour."

9th February,  
1885.  
Journals, p. 30.

Mr. Speaker MARA stated that the Bill could not be introduced, inasmuch as it fell within sub-section 2 of section 91 (the regulation of Trade and Commerce) of the "British North America Act."

NOTE.—See next decision—contra.

*A Bill constituting 8 hours a day's labour on Public Works, held not to interfere with Trade and Commerce, and therefore in order.*

The Order of the Day being called to resume the adjourned debate on the motion of Mr. Beaven (23rd January)—That this House is of opinion that the principle of eight hours constituting a day's labour should be adopted in carrying on Provincial public works, and that a clause should be inserted in all contracts for such, to the effect that the hours making up a day's work of the workmen and labourers to be employed under it shall not be more than eight, and a penalty for the violation of such provision by the contractor or sub-contractor should be included.

26th January,  
1891.

Journals, p. 11.

Mr. Speaker HIGGINS ruled that the motion was in order, and gave the following decision:—

A point of order as to the resolution was raised by me during the discussion that ensued. I based my objection on the action of Mr. Speaker Mara in 1885, in ruling out of order a Bill providing for the regulation of day labour. Mr. Speaker Mara ruled that the Bill was an interference with Trade and Commerce, a class of legislation that is reserved for the Dominion Legislature. Neither a copy of the Bill

nor the ruling has been preserved; but I am informed that the Bill dealt with all classes of labour, whether employed by the Government or by private parties. Such being the case, it was clearly out of order.

My impression while listening to the debate on Friday was, that the resolution of the Hon. Member for Victoria City covered the same ground, in effect if not in words, as the Bill ruled out in 1885; and that it was, also, an interference with the prerogative of the Crown, inasmuch as the instruction conveyed in the resolution, if accepted by the House, would increase the cost of government, and act prejudicially upon contractors for private as well as public works.

But upon reflection I think that the resolution, if adopted, would not necessarily increase the financial burden of the country; because, while it proposes to reduce the hours of labour on public works to eight hours a day, it does not demand that the labourer shall be paid for more than the time he has actually been employed. For instance, a labourer on Government works is paid at the rate of twenty cents per hour for ten hours' work, there is nothing in the resolution asking the Government to pay a higher rate per hour for eight hours' work. The number of labourers might be increased by the innovation, but the amount paid need not be greater than under the system now in force.

For the same reason private contractors would not be injuriously affected through the adoption of the eight-hours system on Government works, and the resolution is not an interference with Trade and Commerce.

On these grounds, contrary to my first impression, I rule that the resolution is within the powers of the House.

*Bills relating to trade, &c., must originate in Committee of the Whole.*

Objection having been taken that Bill (No. 7) intituled "An Act to amend the 'Licenses Act,'" had not been properly introduced, inasmuch as the Bill should have originated in Committee of the Whole and not in the House.

11th February,  
1890.  
Journals, p. 20.

Mr. Speaker HIGGINS decided as follows :—

I find that the Bill originated in the House, and not in Committee of the Whole.

In deciding this question I am not required to dip into *May*, *Bourinot*, or any other constitutional authority.

Our own Rules and Orders, bald and meagre though they be, provide for the emergency.

Rule 40 says—"No bill relating to trade or the alteration of the Laws concerning Trade, is to be brought into the House until the proposition shall have been first considered in a Committee of the Whole House, and agreed unto by the House." (New Rule 43.)

This Rule, in my opinion, is conclusive. The Bill not having originated in Committee of the Whole has not been properly introduced, and so I rule.

On the motion of the Hon. Mr. Davie the Order for the House to again resolve itself into Committee of the Whole on the said Bill was discharged.





ANNO TRICESIMO ET TRICESIMO-PRIMO

## VICTORIÆ REGINÆ.

\* \* \* \* \*

## CHAP. III.

An Act for the Union of Canada, Nova Scotia,  
and New Brunswick, and the Government  
thereof; and for purposes connected therewith.

[*29th March, 1867.*]

**W**HEREAS the Provinces of Canada, Nova Scotia  
and New Brunswick, have expressed their desire  
to be federally united into one Dominion under the  
Crown of the United Kingdom of Great Britain and  
Ireland, with a Constitution similar in principle to  
that of the United Kingdom :

And whereas such a Union would conduce to the  
welfare of the Provinces and promote the Interests  
of the British Empire :

And whereas on the establishment of the Union by  
authority of Parliament it is expedient, not only that  
the Constitution of the Legislative authority in the  
Dominion be provided for, but also that the nature  
of the Executive Government therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America :

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### I.—PRELIMINARY.

Short Title.

1. This Act may be cited as “The British North America Act, 1867.”

Application of provisions referring to the Queen.

2. The provisions of this Act referring to Her Majesty the Queen, extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

### II.—UNION.

Declaration of Union.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick, shall form and be one Dominion under the name of Canada; and on and after that day, those three Provinces shall form and be one Dominion under that name accordingly.

Construction of subsequent provisions of Act.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the same provisions, unless it is otherwise expressed or implied,

the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Provinces, Four Provinces.  
named Ontario, Quebec, Nova Scotia, and New Brunswick.

6. The parts of the Province of Canada (as it ex- Provinces of Ontario and Quebec.  
ists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act. Provinces of Nova Scotia and New Brunswick.

8. In the general census of the population of Canada which is hereby required to be taken in the year One thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the four Provinces shall be distinguished. Decennial Census.

### III.—EXECUTIVE POWER.

9. The Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen. Declaration of Executive power in the Queen.

10. The provisions of this Act referring to the Governor-General extend and apply to the Governor-General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated. Application of provisions referring to Governor General.

Constitution of  
Privy Council  
for Canada.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor-General and sworn in as Privy Councillors, and Members thereof may be from time to time removed by the Governor-General.

All powers under  
Acts to be exer-  
cised by Govern-  
or-General with  
advice of Privy  
Council or alone.

12. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor-General with the advice, or with the advice and consent, of or in conjunction with the Queen's Privy Council for Canada, or any Member thereof, or by the Governor-General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

Application of  
provisions refer-  
ring to Govern-  
or-General in  
Council.

13. The provisions of this Act referring to the Governor-General in Council shall be construed as referring to the Governor-General acting by and with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor-General from time to time to appoint any person or any persons, jointly or severally, to be his deputy or deputies within any part or parts of Canada, and in that capacity to exercise, during the pleasure of the Governor-General, such of the powers, authorities, and functions of the Governor-General, as the Governor-General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen ; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor-General himself of any power, authority, or functions.

Power to Her Majesty to authorize Governor-General to appoint Deputies.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval or Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

Command of Armed Forces to continue to be vested in the Queen.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

Seat of Government of Canada.

#### IV.—LEGISLATIVE POWER.

17. There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Constitution of Parliament of Canada.

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

Privileges, &c., of Houses.

First Session of  
the Parliament  
of Canada.

19. The Parliament of Canada shall be called together not later than six months after the Union.

Yearly Session of  
the Parliament  
of Canada.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

*The Senate.*

Number of  
Senators.

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two Members, who shall be styled Senators.

Representation  
of Provinces in  
Senate.

22. In relation to the constitution of the Senate, Canada shall be deemed to consist of three divisions,—

(1.) Ontario :

(2.) Quebec :

(3.) The Maritime Provinces, Nova Scotia, and New Brunswick ; which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows :—Ontario by Twenty-four Senators ; Quebec by Twenty-four Senators ; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada.

Qualifications of  
Senators.

23. The qualification of a Senator shall be as follows :—

(1.) He shall be of the full age of Thirty years :

(2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen natural-

ized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union :

- (3.) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands or tenements held in franc-alieu or in rotture, within the Province for which he is appointed, of the value of Four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same :
- (4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities :
- (5.) He shall be resident in the Province for which he is appointed :
- (6.) In the case of Quebec he shall have his real property qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

24. The Governor-General shall from time to time, Summons of  
in the Queen's name by Instrument under the Great Senator.  
Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

25. Such persons shall be first summoned to the Summons of  
Senate as the Queen by Warrant under Her Majesty's First body of  
Senators.

Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

Addition of Senators in certain cases.

26. If at any time, on the recommendation of the Governor-General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor-General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

Reduction of Senate to normal number.

27. In case of such addition being at any time made the Governor-General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

Maximum number of Senators.

28. The number of Senators shall not at any time exceed seventy-eight.

Tenure of place in Senate.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

Resignation of place in Senate.

30. A Senator may by writing under his hand, addressed to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

Disqualification of Senators.

31. The place of a Senator shall become vacant in any of the following cases :—

(1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate :

(2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does an act whereby he becomes a Subject or Citizen, or entitled to the rights or privileges of a Subject or Citizen of a Foreign Power :

- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter :
- (4.) If he is attainted of treason or convicted of felony or of any infamous crime :
- (5.) If he ceases to be qualified in respect of property or of residence ; provided that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy. Summons of vacancy in Senate.

33. If any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate. Questions as to qualifications and vacancies in Senate.

34. The Governor-General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead. Appointment of Speaker of Senate.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers. quorum of Senate.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative. Voting in Senate

*The House of Commons.*

Constitution of  
House of Com-  
mons in Canada.

37. The House of Commons shall, subject to the provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

Summoning of  
House of Com-  
mons.

38. The Governor-General shall from time to time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

Senators not to  
sit in House of  
Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

Electoral Dis-  
tricts of the four  
Provinces.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick, shall, for the purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts, as follows:—

*1.—ONTARIO.*

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

*2.—QUEBEC.*

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which the Lower Canada is, at the passing of this Act, divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes of Lower Canada, and the Act of the Province of Canada of the Twenty-third

year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return One Member.

### 3.—*NOVA SCOTIA.*

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

### 4.—*NEW BRUNSWICK.*

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union relative to the following matters or any of them, namely:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces; the Voters at Elections of such Members; the oaths to be taken by Voters; the Returning Officers, their powers and duties; the proceedings at Elections; the periods during which Elections may be continued; the trial of Controverted Elections, and proceedings incident thereto; the vacating of seats of Members, and the execution of new Writs in case of seats vacated otherwise than by dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces: Provided

Continuance of existing Election Laws until Parliament of Canada otherwise provides.

that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British Subject, aged Twenty-one years or upwards, being a householder, shall have a vote.

Writs for first Election.

42. For the first Election of Members to serve in the House of Commons, the Governor-General shall cause Writs to be issued by such person, in such form, and addressed to such Returning Officers as he thinks fit.

The person issuing Writs under this Section shall have the like powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

As to casual Vacancies.

43. In case a vacancy in the representation in the House of Commons of any Electoral District happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

As to Election of Speaker of House of Commons.

44. The House of Commons on its first assembling after a General Election shall proceed with all practicable speed, to elect one of its members to be Speaker.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall, with all practicable speed, proceed to elect another of its members to be Speaker.

As to filling up  
Vacancy in office  
of Speaker.

46. The Speaker shall preside at all meetings of the House of Commons.

Speaker to  
preside.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of Speaker.

Provision in  
case of absence  
of Speaker.

48. The presence of at least Twenty Members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.

Quorum of  
House of Com-  
mons.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Voting in House  
of Commons.

50. Every House of Commons shall continue for Five Years from the day of the return of the Writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer.

Duration of  
House of Com-  
mons.

51. On the completion of the census in the year One thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be re-adjusted by such authority, in such manner, and for such time, as the

Decennial Re-  
adjustment of  
Representation.

Parliament of Canada from time to time provides, subject and according to the following rules:—

- (1.) Quebec shall have the fixed number of Sixty-five members :
- (2.) There shall be assigned to each of the other Provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained) :
- (3.) In the computation of the number of Members for a Province a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a Member shall be disregarded ; but a fractional part exceeding one-half of that number shall be equivalent to the whole number :
- (4.) On any such re-adjustment the number of Members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of Members for the Province is ascertained at the then latest census to be diminished by one-twentieth part or upwards :
- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

Increase of number of House of Commons.

52. The number of Members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

*Money Votes; Royal Assent.*

53. Bills for appropriating any part of the Public Revenue, or for imposing any tax or impost, shall originate in the House of Commons. Appropriation and Tax Bills.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed. Recommendation of money votes.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the Bill for the signification of the Queen's pleasure. Royal Assent to Bills, &c.

56. Where the Governor-General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor-General, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification. Disallowance by order in Council of Act assented to by Governor General.

57. A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was Signification of Queen's pleasure on Bill reserved.

presented to the Governor-General for the Queen's Assent, the Governor-General signifies, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the Assent of the Queen in Council.

An entry of every such Speech, Message, or Proclamation shall be made in the Journals of each House, and a duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

## V.—PROVINCIAL CONSTITUTION.

### *Executive Power.*

Appointment of Lieutenant-Governors of Provinces.

58. For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor-General in Council by Instrument under the Great Seal of Canada.

Tenure of office of Lieutenant-Governor.

59. A Lieutenant-Governor shall hold office during the pleasure of the Governor-General; but any Lieutenant-Governor appointed after the commencement of the first Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of the Parliament.

Salaries of Lieutenant-Governors.

60. The Salaries of the Lieutenant-Governor shall be fixed and provided by the Parliament of Canada.

61. Every Lieutenant-Governor shall, before assuming the duties of his office, make and subscribe before the Governor-General, or some person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor-General.

Oaths, &c., of  
Lieutenant-  
Governor.

62. The provisions of this Act referring to the Lieutenant-Governor extend and apply to the Lieutenant-Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

Application of  
provisions re-  
ferring to Lieu-  
tenant-Governor

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant-Governor from time to time thinks fit, and in the first instance of the following Officers, namely: the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with in Quebec, the Speaker of the Legislative Council, and Solicitor-General.

Appointment of  
Executive Offi-  
cers for Ontario  
and Quebec

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act.

Executive Gov-  
ernment of Nova  
Scotia and New  
Brunswick.

65. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and

Powers to be ex-  
ercised by Lieu-  
tenant-Governor  
of Ontario or  
Quebec with  
advice or alone

consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant-Governor of Ontario and Quebec respectively, with the advice, or with the advice and consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

Application of provisions referring to Lieutenant-Governor in Council.

66. The provisions of this Act referring to the Lieutenant-Governor in Council shall be construed as referring to the Lieutenant-Governor of the Province acting by and with the advice of the Executive Council thereof.

Administration in absence, &c., of Lieutenant-Governor.

67. The Governor-General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant-Governor during his absence, illness, or other inability.

Seats of Provincial Governments.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

*Legislative Power.**1.—ONTARIO.*

69. There shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of one House, styled the Legislative Assembly of Ontario. Legislature for Ontario.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act. Electoral Districts.

*2.—QUEBEC.*

71. There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and of two Houses, styled the Legislative Council of Quebec and of the Legislative Assembly of Quebec. Legislature for Quebec.

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act. Constitution of Legislative Council.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec. Qualification of Legislative Councillors.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant. Resignation, disqualification, &c

75. When a vacancy happens in the Legislative Council of Quebec by resignation, death, or other- Vacancies.

wise, the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

Questions as to  
Vacancies, &c.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

Speaker of Leg-  
islative Council.

77. The Lieutenant-Governor may from time to time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

Quorum of Leg-  
islative Council.

78. Until the Legislature of Quebec otherwise provides, the presence of at least ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

Voting in Legis-  
lative Council.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Constitution of  
Legislative  
Assembly of  
Quebec.

80. The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant-Governor of Quebec for assent any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority

of the Members representing all those Electoral Divisions or Districts, and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor stating that it has been so passed.

### 3.—ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union. First Session of Legislatures.

82. The Lieutenant-Governor of Ontario and of Quebec shall, from time to time, in the Queen's name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province. Summoning of Legislative Assembly.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission, or employment, permanent or temporary, at the nomination of the Lieutenant-Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Provinces, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council of the respective Provinces, or holding any of the following offices, that is to say:—the offices of Attorney-General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor-General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such Office. Restriction on election of holders of office.

Continuance of  
existing election  
Laws.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all laws which at the Union are in force in those Provinces respectively, relative to the following matters, or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections and the proceedings incident thereto, the vacating of the seats of Members and the issuing and execution of new Writs in case of seats vacated otherwise than by dissolution, shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

Duration of Leg-  
islative Assem-  
blies.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the day of the return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant-Governor of the Province), and no longer.

Yearly Session of  
Legislature.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene

between the last sitting of the Legislature in each Province in one Session and its first sitting in the next Session.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the Election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly. Speaker, quorum, &c.

#### 4.—*NOVA SCOTIA AND NEW BRUNSWICK.*

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected. Constitutions of Legislatures of Nova Scotia and New Brunswick.

#### 5.—*ONTARIO, QUEBEC, AND NOVA SCOTIA.*

89. Each of the Lieutenant-Governors of Ontario, Quebec, and Nova Scotia, shall cause Writs to be issued for the first Election of Members of the Legislative Assembly thereof, in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor-General directs, and so that the first Election of a Member of Assembly for any Electoral District or any subdivision thereof shall be held at the same time and at the same places as the Election for a Member to First Elections.

serve in the House of Commons of Canada for that Electoral District.

6.—*THE FOUR PROVINCES.*

Application to  
Legislatures of  
provisions re-  
specting money  
votes, &c.

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and tax Bills, the recommendation of money votes, the assent to Bills, the disallowance of Acts, and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant-Governor of the Province for the Governor-General, of the Governor-General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

*Powers of the Parliament.*

Legislative  
Authority of  
Parliament of  
Canada.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

- (1.) The Public Debt and Property :
- (2.) The regulation of Trade and Commerce :
- (3.) The raising of money by any mode or system of Taxation :
- (4.) The borrowing of money on the Public Credit:
- (5.) Postal Service :
- (6.) The Census and Statistics :
- (7.) Militia, Military and Naval Service, and Defence :
- (8.) The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada :
- (9.) Beacons, Buoys, Lighthouses, and Sable Island:
- (10.) Navigation and Shipping :
- (11.) Quarantine and the establishment and maintenance of Marine Hospitals :
- (12.) Sea Coast and Inland Fisheries :
- (13.) Ferries between a Province and any British or Foreign Country or between two Provinces:
- (14.) Currency and Coinage:
- (15.) Banking, Incorporation of Banks, and the issue of Paper Money :
- (16.) Savings Banks:
- (17.) Weights and Measures:
- (18.) Bills of Exchange and Promissory Notes :
- (19.) Interest:
- (20.) Legal Tender:
- (21.) Bankruptcy and Insolvency:
- (22.) Patents of Invention and Discovery :
- (23.) Copyrights :
- (24.) Indians, and Lands reserved for the Indians:
- (25.) Naturalization and Aliens :
- (26.) Marriage and Divorce:
- (27.) The Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters :

(28.) The Establishment, Maintenance, and Management of Penitentiaries :

(29.) Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this Section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

*Exclusive Powers of Provincial Legislatures.*

Subjects of exclusive Provincial Legislation.

92. In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say :—

- (1.) The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor :
- (2.) Direct Taxation within the Province in order to the raising of a Revenue for Provincial purposes :
- (3.) The borrowing of money on the sole credit of the Province :
- (4.) The establishment and tenure of Provincial Offices, and the appointment and payment of Provincial Officers :
- (5.) The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon :
- (6.) The establishment, maintenance, and management of Public and Reformatory Prisons in and for the Province :

- (7.) The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Provinces, other than Marine Hospitals :
- (8.) Municipal Institutions in the Province :
- (9.) Shop, Saloon, Tavern, Auctioneer, and other Licenses, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes :
- (10.) Local works and undertakings other than such as are of the following classes :—
  - (a.) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province :
  - (b.) Lines of Steam Ships between the Province and any British or Foreign Country :
  - (c.) Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the genenal advantage of Canada or for the advantage of two or more of the Provinces :
- (11.) The Incorporation of Companies with Provincial objects :
- (12.) The Solemnization of Marriage in the Province :
- (13.) Property and civil rights in the Province :
- (14.) The Administration of Justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including procedure in civil matters in those Courts :
- (15.) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter

coming within any of the classes of subjects enumerated in this Section :

- (16.) Generally all matters of a merely local or private nature in the Province.

*Education.*

Legislation re-  
specting Edu-  
cation.

93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions :—

- (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by law in the Province at the Union :
- (2.) All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec :
- (3.) Where in any Province a system of separate or Dissentient Schools exists by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to education :
- (4.) In case any such Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in

Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.

*Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick.*

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf, the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof.

Legislation for uniformity of Laws in three Provinces.

*Agriculture and Immigration.*

95. In each Province the Legislature may make laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces, and to Immigration into

Concurrent powers of Legislation respecting Agriculture, &c.

all or any of the Provinces ; and any law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

## VII.—JUDICATURE.

Appointment of Judges.

96. The Governor-General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of Judges in Ontario, &c.

97. Until the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor-General shall be selected from the respective Bars of those Provinces.

Selection of Judges in Quebec.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

Tenure of office of Judges of Superior Courts.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor-General on address of the Senate and House of Commons.

Salaries, &c., of Judges.

100. The salaries, allowances, and pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

General Court of Appeal, &c.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organi-

zation of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better Administration of the Laws of Canada.

VIII.—REVENUES; DEBTS; ASSETS;  
TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

Creation of Consolidated Revenue Fund.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor-General in Council until the Parliament otherwise provides.

Expenses of collection, &c.

104. The annual interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the second charge on the Consolidated Revenue Fund of Canada.

Interest of Provincial Public Debts.

105. Unless altered by the Parliament of Canada, the salary of the Governor-General shall be Ten Thousand Pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out

Salary of Governor-General.

of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

Appropriation  
from time to  
time.

106. Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the public service.

Transfer of  
stocks, &c.

107. All Stocks, Bankers' Balances, and Securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union.

Transfer of  
property in  
schedule.

108. The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the property of Canada.

Property in  
Lands, Mines,  
&c.

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Assets connected  
with Provincial  
debts.

110. All Assets connected with such portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.

Canada to be  
liable for Pro-  
vincial debts.

111. Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.

Debts of Ontario  
and Quebec.

112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt

of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

113. The Assets enumerated in the Fourth Schedule to this Act, belonging at the Union to the Province of Canada, shall be the property of Ontario and Quebec conjointly. Assets of Ontario and Quebec

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Eight million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon. Debt of Nova Scotia.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Seven million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon. Debt of New Brunswick.

116. In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive, by half-yearly payments in advance from the Government of Canada, interest at five per centum per annum on the difference between the actual amounts of their respective debts and such stipulated amounts. Payment of interest to Nova Scotia and New Brunswick.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for Fortifications or for the Defence of the Country. Provincial Public property.

Grants to  
Provinces.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures :—

	Dollars.
Ontario.....	Eighty Thousand.
Quebec .....	Seventy Thousand.
Nova Scotia.....	Sixty Thousand.
New Brunswick.....	Fifty Thousand.

Two Hundred and Sixty Thousand;

and an annual grant in aid of each Province shall be made, equal to Eighty Cents per head of the population as ascertained by the census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to Four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

Further Grant to  
New Brunswick.

119. New Brunswick shall receive by half-yearly payments in advance from Canada for the period of ten years from the Union an additional allowance of Sixty-three thousand Dollars per annum; but as long as the public debt of that Province remains under Seven million dollars, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of Sixty-three thousand Dollars.

120. All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor-General in Council.

Form of payments.

121. All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Canadian manufactures, &c.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

Continuance of Customs and Excise Laws.

123. Where Customs Duties are, at the Union, leviable on any goods, wares, or merchandizes in any two Provinces, those goods, wares, and merchandizes may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs Duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs Duty as is leviable thereon in the Province of importation.

Exportation and Importation as between two Provinces.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues ; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

Lumber Dues in New Brunswick

125. No Lands or Property belonging to Canada or any Province shall be liable to taxation.

Exemption of Public Lands, &c.

Provincial  
Consolidated  
Revenue Fund.

126. Such portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

#### IX.—MISCELLANEOUS PROVISIONS.

##### *General.*

As to Legislative  
Councillors of  
Provinces be-  
coming Senators.

127. If any person being, at the passing of this Act, a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor-General of the Province of Canada, or to the Lieutenant-Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate shall thereby vacate his Seat in such Legislative Council.

Oath of Alle-  
giance, &c.

128. Every Member of the Senate or House of Commons of Canada shall, before taking his Seat therein, take and subscribe before the Governor-General or some person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall, before taking his Seat therein, take and subscribe before the Lieutenant-Governor of the Province, or some person

authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor-General, or some person authorized by him, the Declaration of Qualification contained in the same Schedule.

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act.

Continuance of  
existing Laws,  
Courts, Officers  
&c.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the Union had not been made.

Transfer of Offi-  
cers to Canada.

131. Until the Parliament of Canada otherwise provides, the Governor-General in Council may from

Appointment of  
new Officers.

time to time appoint such Officers as the Governor-General in Council deems necessary or proper for the effectual execution of this Act.

Treaty obligations.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

Use of English and French languages.

133. Either the English or French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

*Ontario and Quebec.*

Appointment of Executive Officers for Ontario and Quebec.

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant-Governors of Ontario and Quebec may each appoint, under the Great Seal of the Province, the following Officers, to hold office during pleasure, that is to say,—the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the case of Quebec the Solicitor-General; and may, by order of the Lieutenant-Governor in Council, from time to time pre-

scribe the duties of those Officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof; and may also appoint other and additional Officers to hold office during pleasure, and may from time to time prescribe the duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

135. Until the Legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities at the passing of this Act vested in or imposed on the Attorney-General, Solicitor-General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver-General, by any Law, Statute, or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant-Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the office of Minister of Agriculture at the passing of this Act imposed by the law of the Province of Canada, as well as those of the Commissioner of Public Works. Powers, duties, &c., of Executive Officers.

136. Until altered by the Lieutenant-Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada. Great Seals

137. The words "and from thence to the end of the then next ensuing Session of the Legislature," Construction of temporary Acts.

or words to the same effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the subject matter of the Act is within the powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, if the subject matter of the Act is within the powers of the same as defined by this Act.

As to errors in names.

138. From and after the Union the use of the words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter or Thing, shall not invalidate the same.

As to issue of Proclamations before Union, to commence after Union.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union had not been made.

As to issue of Proclamations after Union.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant-Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

141. The Penitentiary of the Province of Canada Penitentiary. shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

142. The division and adjustment of the Debts, Arbitration respecting Debts, &c. Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor-General in Council may from Division of Records. time to time order that such and so many of the records, books, and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the Officer having charge of the original thereof, shall be admitted as evidence.

144. The Lieutenant-Governor of Quebec may from Constitution of Townships in Quebec. time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

#### X.—INTERCOLONIAL RAILWAY.

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a declaration that the construction of the Intercolonial Rail- Duty of Government and Parliament of Canada to make railway herein described.

way is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada: Therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement, within Six Months after the Union, of a Railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

#### XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c., into the Union.

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of Parliament of Canada to admit Rupert's Land and the North-West Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

As to representation of Newfoundland and Prince Edward Island in Senate.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of

Canada of Four Members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be Seventy-six, and their maximum number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from Twelve to Ten Members respectively, and the representation of each of those Provinces shall not be increased at any time beyond Ten, except under the provisions of this Act for the appointment of Three or Six additional Senators under the direction of the Queen.

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## SCHEDULES.

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### THE FIRST SCHEDULE.

*Electoral Districts of Ontario.*

[Omitted.]

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### THE SECOND SCHEDULE.

*Electoral Districts of Quebec specially fixed.*

[Omitted.]

## THE THIRD SCHEDULE.

*Provincial Public Works and Property to be the Property of Canada.*

1. Canals, with lands and water power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake Improvements.
6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

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THE FOURTH SCHEDULE.

*Assets to be the Property of Ontario and Quebec conjointly.*

[Omitted.]

## THE FIFTH SCHEDULE.

*Oath of Allegiance.*

I, *A. B.*, do swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.*

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*Declaration of Qualification.*

I, *A. B.*, do declare and testify, that I am by law duly qualified to be appointed a Member of the Senate of Canada [*or as the case may be*], and that I am legally or equitably seised as of Freehold for my own use and benefit of Lands or Tenements held in free and common Socage [*or seised or possessed for my own use and benefit of Lands or Tenements held in Franc-alieu or in Roture (as the case may be)*] in the Province of Nova Scotia [*or as the case may be*] of the value of Four Thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said Lands and Tenements, or any part thereof, for the purpose of enabling me to become a Member of the Senate of Canada [*or as the case may be*], and that my Real and Personal Property are together worth Four Thousand Dollars over and above my Debts and Liabilities.

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# TERMS AND CONDITIONS

UNDER WHICH THE

COLONY OF BRITISH COLUMBIA

ENTERED INTO UNION WITH THE

DOMINION OF CANADA.





# AT THE COURT AT WINDSOR,

THE 16TH DAY OF MAY, 1871.

## PRESENT :

The QUEEN's Most Excellent Majesty.

His Royal Highness Prince ARTHUR.

Lord Privy Seal.

Lord Chamberlain.

Earl Cowper.

Mr. Secretary Cardwell.

Earl of Kimberley.

Mr. Ayrton.

**W**HEREAS by the “British North America Act, <sup>Preamble</sup> 1867,” provision was made for the Union of the Provinces of Canada, Nova Scotia, and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that Colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions. It is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the Electoral Districts in British Columbia for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such Electoral Districts shall be as follows :—

“New Westminster District.”

“New Westminster District” and the “Coast District,” as defined in a public notice issued from the Lands and Works Office in the said Colony on the fifteenth day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the “Mineral Ordinance, 1869,” shall

constitute one district, to be designated "New Westminster District," and return one member.

"Cariboo District" and "Lillooet," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one member. "Cariboo District."

"Yale District" and "Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one member. "Yale District."

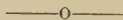
Those portions of Vancouver Island known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, A. D. 1858," shall constitute one district, to be designated "Victoria District," and return two members. "Victoria District."

All the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late Colony of Vancouver Island, shall constitute one district, to be designated "Vancouver Island District," and return one member. "Vancouver Island District."

And the Right Honourable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed)      ARTHUR HELPS

## THE TERMS OF UNION.



Canada liable for  
existing debts.

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

Province to re-  
ceive interest on  
difference be-  
tween its actual  
debt and that of  
other Provinces.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

Annual subsidy.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance; such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

Mail service.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication, between Victoria and San Francisco, and twice a week between Victoria and Olympia; the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services :—

Canada 'to assume following charges:—

- A. Salary of the Lieutenant-Governor ;
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts ;
- C. The charges in respect to the Department of Customs ;
- D. The Postal and Telegraphic Services ;
- E. Protection and encouragement of Fisheries ;
- F. Provision for the Militia ;
- G. Lighthouses, Buoys, and Beacons, Shipwrecked crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria ;
- H. The Geological Survey ;
- I. The Penitentiary.

And such further charges as may be incident to and connected with the services which, by the "British North America Act of 1867," appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

Pensions to certain officers.

7. It is agreed that the existing Customs Tariff and Excise Duties shall continue in force in British Columbia until the Railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should

Customs and Excise Duties

sooner decide to accept the tariff and excise laws of Canada. When customs and excise duties are, at the time of the union of British Columbia with Canada, leviable on any goods, wares, or merchandises in British Columbia, or in the other Provinces of the Dominion, those goods, wares, and merchandises may, from and after the union, be imported into British Columbia from the Provinces now composing the Dominion, or from either of those Provinces into British Columbia, on proof of payment of the customs or excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of customs or excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

Representation  
in Senate and  
House of Com-  
mons.

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of the "British North America Act, 1867."

Naval Station at  
Esquimalt.

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

B. N. A. Act to  
apply to B. C.

10. The provisions of the "British North America Act, 1867," shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia, in the same way and to the like intent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia

had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a Railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the Union.

Construction of  
Railway across  
continent.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in the furtherance of the construction of the said Railway, a similar extent of public lands along the line of Railway, throughout its entire length in British Columbia, not to exceed, however, Twenty (20) Miles on each side of said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territories and the Province of Manitoba. Provided, that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and, provided further, that until the commencement, within two years, as aforesaid, from the date of the Union, of the construction of the said Railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In

Railway belt to  
be conveyed to  
Dominion Gov-  
ernment.

consideration of the land to be so conveyed in aid of the construction of the said Railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of 100,000 Dollars per annum, in half-yearly payments in advance.

Graving Dock at  
Esquimalt.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first-class Graving Dock at Esquimalt.

Dominion Gov-  
ernment to as-  
sume charge of  
Indians.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

Constitution of  
Executive  
authority.

14. The constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that

the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia under the authority of the Secretary of State for the Colonies, to amend the existing constitution of the Legislature by providing that a majority of its members shall be elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty, by and with the advice of Her Most Honourable Privy Council, may appoint, on Addresses from the Legislature of the Colony of British Columbia and of the Houses of Parliament of Canada, in the terms of the 146th Section of the "British North America Act, 1867," and British Columbia may in its Address specify the Electoral Districts for which the first election of members to serve in the House of Commons shall take place.

When union to  
take effect.

Constitution of  
Executive  
authority.

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A  
of  
said

## INDEX.

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## RULES AND ORDERS:

## AID AND SUPPLY:

	RULE.
Extract from B. N. A. Act, page 11.	
Ways and Means Committee.....	95
Supply Committee .....	95
Adjournment of House or debate is always in order	30
——— Motion need not be in writing or seconded..	34

## BILLS, PUBLIC:

Introduced on Motion or by Committee appointed to bring it in, Motion need not be seconded .....	41
Not to be introduced in imperfect state .....	42
Motion to commit to be decided before any further amendment to the main question	38
Appropriating Revenue, &c., must be recommended by Message, page 11.	
Relating to trade, to be first considered in Committee of Whole .....	43
Affecting the Constitution, under control of the Government .....	44
Negatived, not to be introduced again .....	46
First Reading—no amendment or debate.....	47
Printed and distributed before second reading..	48
Amended—to be re-printed before considered again .....	49
To receive three readings on different days ....	50
Urgency cases .....	50
Clerk to certify on Bill the stages it has passed	51
To be read twice before committal.....	52
Not to be committed on day of second reading	50
Committee of the Whole—considered clause by clause, postponed clauses, preamble and title considered last .....	53

RULES AND ORDERS.—*Continued.*BILLS, PUBLIC.—*Concluded.*

RULE.

Amendments to be reported by Chairman, Report to be considered on a subsequent day—May be further amended before ordered for third reading—Bills reported without amendment forthwith ordered for third reading .....	54
May be returned by Message with amendments	54
Re-committal, notice to be given of the instructions to the Committee as to amendments	55
Law Clerk to revise after first reading, and to be responsible for correctness after amendment .....	56

## BILLS, PRIVATE :

Petitions for, to be presented within two weeks	57
Bills to be introduced within three weeks.....	57
To be reported by Standing Committee within four weeks .....	57
Rules may be suspended on report of Committee	57, 67
Promoters of Bills availing themselves of the suspension of Rule 57 to pay double fees	57
Notices of rules affecting applications for private Bills to be published in Gazette and other papers, and posted in the Committee room and lobbies of the House...	58
Promoters of private Bills to publish for 6 weeks a notice of their intended application, and to send a copy to the Clerk of the House.	59
Further particulars to be given when Bill is for a toll bridge .....	60
To be framed with reference to the general Acts relating to the same.....	61
Petitions when received are to be first considered by Committee on Standing Orders.....	62
Introduced on Petition, and on motion for leave after favourable report from Standing Orders Committee .....	63
Confirming Letters Patent or agreement, copies to be attached .....	64
Fees and costs—\$100 before first reading; \$100 after second reading; 100 copies of Bill to be left with the Clerk.....	65

RULES AND ORDERS.—*Continued.*

RULE.

BILLS, PRIVATE.—*Concluded.*

Amended Bill to be re-printed by promoters...	65
After first reading, Bill and all Petitions for and against are on motion referred to the Private Bills or other Standing Committee	66
Opposed Bills, proceedings on.....	66
To be posted 5 days before considered by Committee .....	67
Notice of posting and of meetings of the Committee to be given .....	67 (a)
Copy of Bill with proposed amendments to be left with the Clerk.....	68
All persons whose interests are affected to appear before the Committee when cited ..	69
Majority of Committee to decide all questions..	70
Variances between Bill and notices to be reported .....	71
Bills to be reported with all amendments.....	72
Report to be made when preamble not proved	73
Bills reported preamble proved, placed on Orders for second reading for next day ..	73 (a)
Affecting Crown lands require consent of the Crown before second reading.....	73(b)
Chairman to sign copy Bill with amendments..	74
Notice to be given of amendments in Committee of the Whole or on third reading.....	75
Register to be kept by the Clerk .....	76
Daily lists of the Bills and Petitions to be considered by Committees to be posted in the lobby .....	77
Parliamentary Agents to obtain authority from the Speaker .....	78
Misconduct of Agents, &c.....	79

CASTING VOTE OF SPEAKER .....	11
-------------------------------	----

CONSTITUTION :

Can only be amended by the Government, or with their consent .....	45
--	----

COMMITTEES :

List of Select Committees to be posted.....	80
---	----

RULES AND ORDERS.—*Continued.*

	RULE.
COMMITTEES OF THE WHOLE :	
Formation of and observance of order in.....	81
Chairman to decide all questions of order, subject to appeal to the House .....	82
Motion—"That Chairman leave the Chair," always in order.....	83
COMMITTEES, SELECT :	
Formation, not more than five Members.....	84
Quorum.....	85
Reports to the House, how made .....	86
Chairman votes, if division equal motion to be negatived .....	87
CROWN :	
Recommends all expenditures of public money	45
Private Bills affecting Crown Lands.....	73 (b)
DEBATE :	
Speaker not to take part.....	11
Members to speak in their place.....	12
" not to speak disrespectfully, &c.....	15
Question may be read at any time .....	16
Not to speak twice to a question .....	17
Explanation.....	14, 17
Reply.....	17
Precedence, when two members rise .....	13
Adjournment, always in order.....	30
Previous question stops debate .....	37
None on first readings of Bills.....	47
None on motion to receive Petition .....	94
DIVISIONS :	
No debate after bell rings.....	89
Yeas and Nays may be recorded at request of 3 Members.....	90
HOUSE :	
Daily sittings.....	1
Hour of rising .....	1, 2
Evening sittings .....	2
Quorum.....	4
Adjournment for want of quorum.....	5
Order of business .....	20

RULES AND ORDERS.—*Continued.*

	RULE
LIBRARY :	
Librarian, duties defined .....	104
Persons entitled to use .....	105
Books not to be removed from the House.....	106
Attorney-General has charge of, during recess..	107
Members may have use of books during recess.	108
Librarian to report all missing books.....	109
MEMBERS :	
Not to speak disrespectfully .....	15
Precedence when two members rise .....	13
Conduct in debate.....	12, 15, 19
May only speak once.....	17
Explanation.....	14, 17
Not to vote if he has pecuniary interest .....	18
Cannot move adjournment twice in one debate.	30
MESSAGE :	
Returning Bills with amendments .....	54
MOTIONS :	
To adjourn always in order .....	30
To read Order of the Day to take precedence of other motions .....	28
Notice to be given .....	32
Without notice .....	33
To be in writing and signed by the mover and seconder, except motions to adjourn and the previous question.....	34
Withdrawing, with consent .....	35
Contrary to rules, &c.....	39
Rescinding .....	31
Same question not to be put twice.....	31
Negatived in Committee may be moved in the House .....	36
To commit a Bill precludes amendment to the main question, until decided .....	38
To introduce Bills .....	41
Expressing opinion recommending expenditure of public money not to be put.....	45
For public aid to be considered in Committee of Whole before debate .....	96

RULES AND ORDERS.—*Continued.*

NOTICE :	RULE.
Of motion .....	32
Of question .....	32
To be given, of instruction to the Committee, on re-committal of a Bill .....	55
Of application for Private Bills .....	58, 59
Of amendments to Private Bills in Committee of Whole or on third reading .....	75

## ORDER, POINT OF :

Speaker to decide and state Rule .....	10, 39
Member called to order to sit down .....	14
Decision of Chair final .....	14
Appeal to House .....	14, 31, 82

## ORDERS OF THE DAY :

Printing and distributing .....	99
Daily routine business .....	20
Third readings of Bills take precedence .....	21
Bills reported with amendments from Committee of Whole .....	22
Bills reported after second reading from Stand- ing or Select Committees .....	23
Bills ordered for Committee .....	23
Government orders may take precedence .....	24
Dropped orders .....	25
Orders undisposed of at adjournment, postponed to next sitting .....	26
Precedence of business under consideration at time of adjournment .....	27
Motion to read Orders, to take precedence of other motions .....	28
To show when Bills are printed and reprinted ..	49

## OFFICERS AND SERVANTS :

To complete the work of the Session .....	97
Clerk of the House, duties of .....	98
Votes and Proceedings prepared daily .....	99
Sessional reports .....	100
Sergeant-at-Arms, duties of .....	101
Not allowed mileage .....	103
Librarian, duties of .....	104, 109

RULES AND ORDERS.—*Continued.*

RULE.

PARLIAMENTARY AGENTS :

To observe Rules and Orders of House and Speaker .....	78
To obtain written authority from Speaker.....	78
Responsible for all fees and charges.....	78
Misconduct or violation of Rules .....	79

PETITIONS :

Presented by Members in their place, who are answerable for the same .....	91
Member presenting, to endorse his name thereon	92
Petitions in blank and copies will not be received .....	92
Three petitioners to sign, except in case of single petitioner .....	92
For the expenditure of public money, not to be received.....	93
Read by the Clerk. No debate on motion to receive, unless it complains of personal grievance requiring immediate remedy ..	94
Previous question precludes further amendment	37
Motion need not be in writing or seconded .....	34

PRIVILEGE, question of, to be considered at once ...	40
--	----

PUBLIC MONEY OR AID :

Motions recommending expenditure of, not to be put .....	45
Private Bills affecting public lands, to be considered in Committee of Whole with the consent of the Government, before second reading .....	73 (b)
Petitions for, not to be received .....	93
Supply and Ways and Means Committees appointed on motion, without notice, at commencement of the Session.....	95
All motions for, to be considered in Committee of Whole before debate.....	96

QUESTIONS :

Members may ask Ministers of the Crown, &c..	29
Replies to be in writing .....	29
No debate on questions or answers.....	29

RULES AND ORDERS.—*Continued.*

	RULE.
QUORUM.....	4
Adjournment for want of .....	5
Of Select Committee .....	85
REPLY :	
Allowed to the mover of a substantive motion .	17
RESCINDING VOTES.....	31
SERGEANT-AT-ARMS :	
Duties of.....	8
To obey order of the Speaker .....	9
Persons committed to custody of .....	102
SPEAKER :	
Absence of .....	6, 7
Duties of .....	10, 39
Not to join in debate.....	11
Casting vote.....	11
Members to address .....	12
Puts question, when seconded, before allowing debate .....	34
Declines to put questions which are contrary to Rules .....	39
SESSIONAL ORDERS :	
Prosecution for bribery and corruption at elec- tions.....	111
Attempts to corrupt Members.....	112
STRANGERS :	
Admitted to gallery.....	8
House may be cleared of.....	9
Committed to custody of Sergeant-at-Arms, not to be discharged until fee of \$5 paid ....	102
SUPPLY :	
Committee appointed after address in reply, on motion without notice .....	96
SUSPENSION OF RULES :	
Affecting Private Bills, not to be moved without notice.....	32
Regulating petitions for, and introduction of, Private Bills .....	57

RULES AND ORDERS.—*Concluded.*SUSPENSION OF RULES.—*Concluded.*

RULE.

Regarding posting of Private Bills.....	67
Providing for Private Bills affecting Crown lands to be considered in Committee of Whole with consent of Government before second reading.....	73 (b)

## TRADE :

Bills affecting, to be first considered in Com- mittee of Whole.....	43
---	----

## UNPROVIDED CASES :

Rules of English House of Commons to apply..	110
--	-----

## URGENCY :

Bills may be advanced two or more stages in one day .....	50
--	----

## VOTES AND PROCEEDINGS :

Prepared by Clerk and laid on Members' desks daily .....	99
---	----

## WAYS AND MEANS :

Committee appointed after address in reply, on motion without notice.....	96
--	----

WITHDRAWING MOTIONS .....	35
---------------------------	----

## WITNESSES :

Before Committees, to be paid out of Contingent fund, on certificate of Chairman, and authority of Speaker.....	88
---	----

## SPEAKERS' DECISIONS:

ADJOURNMENT OF HOUSE OR DEBATE:	Page.
General debate on motion for, how far admissible .....	99
AMALGAMATION OF PRIVATE BILLS:	
Should proceed upon petition from all parties interested, and considered by the Private Bills Committee .....	47
AMENDMENTS:	
To Bills in Committee of the Whole, notice of not required .....	36
Within the title and scope of the Bill, may be moved .....	37
Bills passed third reading, not open to .....	37
Reflecting on the past proceedings of the House	93
BILLS:	
Cannot be committed on the same day they are read a second time .....	34
A Bill having been altered after introduction and before second reading, not allowed to proceed .....	36
Amendments in Committee of the Whole, notice of not necessary .....	36
All amendments within the title and scope of the Bill may be moved in Committee of the Whole .....	37
Passed third reading, not open to amendment..	37
To amend or repeal Private Bills, may be introduced by the Government as Public Bills 41,	42
To amend the Constitution, should be introduced by the Government, or with its consent, and not by private members .....	56
Affecting the prerogatives of the Crown .....	62
To assess Dominion lands or deal with Crown lands for dyking, &c., purposes, ruled out of order .....	74
Imposing taxation, to be introduced by the Government .....	120
For grant of public money, originate in Committee of the Whole. Bills for other pur-	

SPEAKERS' DECISIONS.—*Continued.*

PAGE.

BILLS.—*Concluded.*

poses, incidentally requiring the application of public money, may be introduced on motion .....	129
To repeal a tax or amend the Assessment Acts, cannot be introduced by a private member .....	131, 138
Appropriating public revenue, must be recommended by Message .....	124, 132, 135
Relating to trade, originate in Committee of W.	141

BILLS, PRIVATE:

Are referred to Standing Committees on motion	85
Rules relating to, cannot be suspended until Standing Orders Committee report .....	33
Motion to suspend Rules requires notice .....	96
Introduced on motion without notice .....	33
Distributed immediately after first reading ....	34
May be amended by Public Bills introduced by the Government .....	41, 42
Cannot be amended by Public Bills introduced by Private Members .....	41, 43
Opposed, Private Bills Committee cannot hear objections not founded on petition .....	45
Amalgamation should proceed upon petitions from all parties interested and considered by the Private Bills Committee .....	47
Amendments giving extended powers not within published notices and not considered by the Standing Committee cannot be moved in Committee of the Whole .....	50
Imposing certain responsibilities upon a Crown officer, can be proceeded with, without the consent of the Government .....	52
For Crown grant, petition for, cannot be received	64
Proposing to deal with Crown land held in trust for charitable purposes must be introduced as a Private Bill or by Message .....	65
Affecting water-rights belonging to the Crown .	67
Clauses in, granting exemptions from taxation, and right of way over Crown lands, cannot be inserted, unless recommended by Message .....	76

SPEAKERS' DECISIONS.—*Continued.*

	PAGE.
BILLS PARTLY PUBLIC AND PARTLY PRIVATE:	
Legal Professions Bill, held to be a Private Bill	38
Do. do. Public Bill	39
Medicine and Surgery, held to be a Public Bill	40
Architects, held to be a Public Bill.....	40
A quasi Private Bill having passed through several stages as a Public Bill, allowed to proceed as a Hybrid Bill.....	53
A Bill to validate certain Municipal By-laws held to be a Private Bill.....	55
COMMITTEE, PRIVATE BILLS:	
Cannot hear objections not founded on Petition	45
General instructions to, will not be given to apply to all Bills indiscriminately.....	79
Bills referred to, on motion.....	85
Petitions stand referred, without motion except to Committee on Mines.....	85
COMMITTEE OF THE WHOLE:	
Cannot recommend the expenditure of public money.....	131
Practice when report from, is negatived.....	100
Instructions to.....	86
Motion to empower it to do an act already within its powers, is irregular.....	86
Names taken on division in, not entered in the Journals.....	88
Same question cannot be moved in, twice in same session.....	91
Bills relating to trade, originate in.....	141
CONSTITUTION ACT:	
Bills to amend, should be introduced by the Government, or with its consent.....	56
Private Members cannot introduce Bills to amend.....	61
CONTEMPT:	
Of Speaker's summons.....	105
CROWN:	
Bills affecting the prerogatives of, cannot be introduced by Private Members.....	62

SPEAKERS' DECISIONS.—*Continued.*

	PAGE.
CROWN LANDS, &c.:	
Petition for Private Bill to obtain Crown grant, cannot be received .....	64
A Bill proposing to deal with Crown lands held in trust for charitable purposes, must be introduced as a Private Bill or by Message .....	65
Private Bills affecting water rights belonging to the Crown .....	67
Bill to assess Dominion lands or deal with Crown lands for dyking purposes, ruled out ....	74
Select Committee has no power to report in favour of claim to Crown lands .....	75
Exemptions from taxation, and grants of right of way, to be recommended by Message..	76
Resolution containing directions as to the form of conveyance of certain Crown lands, ruled out of order .....	76
Clauses dealing with revenue and Crown lands cannot be inserted in a Bill, by a Private Member .....	125
COMMITTEES, SELECT:	
Have no power to report in favour of claims to Crown lands, or for compensation .....	75
Can only report once, unless empowered to report from time to time .....	79
No power to enquire into any matter, until it is referred to it by the House .....	79
Cannot do any act not authorized by the resolu- tion creating it .....	81
No power to report on matters not properly before them .....	81
Reports to be presented by the Chairman .....	83
Minority report cannot be presented before the Committee reports .....	83
Motion to adopt report of, requires notice .....	84
Report of, cannot be discussed until evidence reported has been printed, &c. ....	84
DEBATE:	
Private papers, cited from, need not be laid on the table .....	86
Right of reply is lost, by speaking to an amend- ment .....	87
General, on motion to adjourn the House .....	99

SPEAKERS' DECISIONS. — *Continued.*

	PAGE.
DIVISIONS:	
Names taken on, in Committee of the Whole, are not entered in the Journals .....	88
To constitute a division, the actual numbers must be counted .....	89
EXPENDITURE OF PUBLIC MONEY:	
<i>See Revenue, &amp;c.</i>	
HOUSE:	
Cannot delegate its powers to a Committee, barring the exercise of its discretion ....	79
General debate on motion to adjourn .....	99
INSTRUCTIONS:	
To Committee of the Whole .....	86
To do an act already within its power, is irregular .....	86
KENNEDY BROTHERS' CASE .....	105
LEGAL PROFESSIONS BILL:	
Held to be a Private Bill .....	38
Held to be a Public Bill .....	39
LIBEL ON MEMBERS OF THE HOUSE .....	105
MOTION:	
Abstract resolution containing directions to the Government as to the form of deed con- veying certain Crown lands, ruled out of order .....	76
To adopt report of Select Committee, requires notice .....	84
To empower a Committee of the Whole, to do an act already within its powers is irregular	86
Same question cannot be proposed twice during the same session .....	90, 92
This rule applies to Committee of the Whole.	91
Reflecting on the past proceedings of the House	93
Containing approbrious terms, irregular .....	95
To suspend rules respecting Private Bills, requires notice .....	96
May be withdrawn, with general consent: .....	97

SPEAKERS' DECISIONS.—*Continued.*

PAGE.

MOTIONS.—*Continued.*

To suspend rules without notice, requires unanimous consent .....	98
To adjourn, general debate on, how far admissible .....	99
Expressing abstract opinion, irregular ....	101, 102
Seriously affecting Government measures confirming an arrangement entered into by Dominion and Provincial Governments and third parties, ruled out of order.....	103
To receive Petitions, not debatable.....	104
Involving matter of privilege, cannot be postponed at pleasure of the mover.....	114
Involving expenditure of public revenue, out of order.....	125, 136
Unless recommended by the Crown .....	137

MEMBERS OF HOUSE (*see* Private Members):

Libel on .....	105
----------------	-----

NEGATIVE VOTE:

Rescinding .....	100
------------------	-----

NOTICE:

Of amendments to Bills in Committee of the Whole, not required.....	36
Of motion to adopt report from Select Committee, is required .....	84
Of motion to suspend rules affecting Private Bills, is necessary .....	96
Of motion to place Bill on Orders of the Day, when "Previous Question" resolved in the negative, on second reading.....	116

PAPERS:

Cited from in debate, need not be laid on the table .....	86
---	----

PREVIOUS QUESTION:

Resolved in negative on second reading of a Bill. Notice of motion required to place the Bill on the Orders of the Day again.....	116
---	-----

SPEAKERS' DECISIONS.—*Continued.*

	PAGE.
PRIVATE MEMBERS:	
Cannot introduce Public Bills to amend Private Bills .....	41, 43
Cannot introduce Bills to amend the Constitution Act .....	61
Bills affecting the prerogatives of the Crown cannot be introduced by .....	62
Cannot introduce Tax Bills .....	120, 131
Powers of introducing legislation, considered ..	127
PETITIONS:	
For Private Bill to obtain Crown Grant, cannot be received .....	64
The right of Petition is unrestricted, subject to the Rules of the House .....	81
Affecting Private Bills referred to Standing Committees without motion, except to Committee on Mines .....	84
Must be properly addressed .....	104
Copy will not be received .....	104
Asking for public aid, out of order .....	104
Motion to receive is not debatable .....	104
PRIVILEGE:	
Libel on Members, Kennedy Brothers' case ....	105
Motion involving a matter of privilege, cannot be postponed at pleasure of the mover ..	114
REPLY:	
Right of, is lost on speaking to an amendment .	87
REPORTS FROM SELECT COMMITTEES:	
Must be presented by Chairman .....	83
Committee must report before a minority report can be presented .....	83
Motion to adopt, requires notice .....	84
Cannot be discussed until the evidence reported has been printed, &c. ....	84
REPORTS FROM COMMITTEES OF THE WHOLE:	
Adoption of negatived, practice .....	99
QUESTIONS:	
Involving legal opinion cannot be put ....:..	116, 117

SPEAKERS' DECISIONS.—*Continued.*

	PAGE.
REVENUE, EXPENDITURE, TAXES, &C.:	
Bills affecting, cannot be introduced by Private Members.....	118
Tax Bill. Instructions to Committee of the Whole to amend, varying incidence of taxation, irregular.....	119
Tax Bills to be introduced by the Government.	120
Appropriation Bills must be recommended by Message.....	124, 132, 135
Motion for Committee of the Whole to consider claims with a view to payment of same by the Crown, cannot be moved.....	124
Motion involving expenditure of public money cannot be moved unless recommended by the Crown.....	125, 136, 137
Clauses dealing with revenue and Crown lands cannot be inserted in a Bill by Private Members.....	125
Exemptions from taxation, cannot be struck out in Committee of the Whole by a Private Member.....	126
Clauses in a Bill directing small fees to be taken on proceedings thereunder, is a matter of procedure, and not dealing with revenue	126
Bills for grant of public money, originate in Committee of the Whole.....	129
Expenditure of public money, cannot be recommended by Committee of the Whole....	131
Bill to repeal a tax, cannot be introduced by a Private Member.....	131
SUSPENSION OF RULES:	
Affecting Private Bills, cannot be moved until Standing Orders Committee reports.....	33
Motion for, requires notice.....	96
Without notice, with unanimous consent.....	98
TAXATION ( <i>see</i> Revenue, &c.):	
Claims for exemptions from, cannot be inserted in Private Bills until recommended by Message.....	76
Instructions to Committee of Whole to amend a Tax Bill varying incidence of taxation ruled out.....	119

SPEAKERS' DECISIONS.—*Continued.*

	PAGE.
TAXATION.— <i>Concluded.</i>	
Bills imposing, to be introduced by the Government .....	120
Exemptions from, in a Tax Bill, cannot be struck out in Committee of Whole by Private Member.....	126
Bill interfering with, ruled out of order, 127, 131, 138	
A clause of a Bill, directing small fees to be taken on proceedings thereunder, is a matter of procedure and not dealing with revenue .....	127
TRADE AND COMMERCE :	
Bill to regulate day labour, held not to interfere with .....	139
Bills relating to trade must originate in Committee of the Whole.....	141
VOTES AND PROCEEDINGS :	
Record the results of the proceedings, and not all details as to how those results were arrived at .....	118
WATER RIGHTS :	
Affecting Crown lands—Ownership of water in the Crown—Private Bills .....	67
WITHDRAWING MOTION :	
General consent required .....	97

**BRITISH NORTH AMERICA ACT..... 143**

I. Preliminary .....	144
II. Union of the Maritime Provinces.....	144
Dominion of Canada.....	144
General census.....	145
III. Executive Power.....	145
Privy Council.....	146
Seat of Government.....	147
IV. Legislative Power.....	147
Constitution of Parliament of Canada.....	147
Privileges of Houses.....	147
Yearly Session.....	148

*The Senate :*

Representation of Provinces in Senate.....	148
1. Ontario .....	148
2. Quebec .....	148
3. Maritime Provinces .....	148
Qualification of Senators.....	148
Summons of Senators.....	149
Number of Senators.....	150
Resignation of Senators.....	150
Disqualification of Senators .....	150
Senate to determine qualification, &c.....	151
Speaker .....	151
Quorum.....	151
Voting .....	151

*House of Commons :*

Constitution of House.....	152
Summoning of House.....	152
Senators not to sit .....	152
Electoral Districts of four Provinces.....	152
1. Ontario .....	152
2. Quebec .....	152
3. Nova Scotia .....	153
4. New Brunswick.....	153
First Election .....	154
Vacancies .....	154
Election of Speaker .....	154
Quorum.....	155
Voting.....	155

BRITISH NORTH AMERICA ACT.—*Continued.*

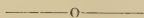
	PAGE.
<i>House of Commons.</i> —Concluded.	
Duration of House .....	155
Decennial adjustment of representation ...	155
Money votes, Royal Assent .....	157
V. Provincial Constitutions :	
<i>Executive Power :</i>	
Lieutenant-Governors, appointment of ....	158
Tenure of office, salaries, &c. ....	158
Executive Officers for Ontario, Quebec. ....	159
Nova Scotia .....	159
New Brunswick .....	159
Seats of Provincial Government .....	160
<i>Legislative Power :</i>	
1. Legislature for Ontario .....	161
2. Legislature for Quebec .....	161
3. Legislatures for Ontario and Quebec. ....	163
First Sessions .....	163
Restriction on office-holders .....	163
Duration of Assemblies .....	164
Yearly Session .....	164
Speaker, Quorum, &c. ....	165
4. Nova Scotia and New Brunswick :	
Constitution of Legislatures .....	165
5. Ontario, Quebec, and Nova Scotia :	
First Elections .....	165
6. The four Provinces :	
Provisions respecting money votes .....	166
VI. Distribution of Legislative Powers .....	166
Powers of the Parliament of Canada .....	166
Exclusive Powers of Provincial Legislatures ..	168
Education .....	170
Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick .....	171
Agricultural and Immigration .....	171
VII. Judicature :	
Appointment of Judges .....	172
Selection in Ontario .....	172
" in Nova Scotia .....	172
" in New Brunswick .....	172
" in Quebec .....	172

BRITISH NORTH AMERICA ACT.—*Continued.*

	PAGE.
Tenure of office.....	172
Salaries, &c.....	172
General Court of Appeal.....	172
VIII. Revenue, Debts, Assets, Taxation :	
Consolidated Revenue Fund .....	173
Interest of Provincial Public Debts .....	173
Salary of Governor-General .....	173
Transfer of stocks, property, &c.....	173
Property in lands, mines, &c.....	174
Assets .....	174
Canada liable for Provincial Debts.....	174
Debts of Ontario and Quebec.....	174
Assets of Ontario and Quebec .....	175
Debt of Nova Scotia.....	175
Debt of New Brunswick.....	175
Provincial Public Property .....	175
Grants to Provinces.....	176
Further Grants to New Brunswick .....	176
Canadian manufactures, &c.....	177
Trade between Provinces .....	177
Lumber Dues, New Brunswick.....	177
Exemption of Public Lands .....	177
Provincial Consolidated Revenue Fund.....	178
IX. Miscellaneous Provisions :	
<i>General :</i>	
Legislative Councillors becoming Senators.	178
Oath of Allegiance .....	178
Treaty Obligation.....	180
French and English languages.....	180
<i>Ontario and Quebec :</i>	
Appointment of Executive Officers.....	180
Their powers, duties, &c.....	181
Great Seal.....	181
Construction of temporary Acts .....	181
Errors in names .....	182
Proclamations .....	182
Penitentiary.....	183
Arbitration.....	183
Division of Records .....	183
Townships in Quebec.....	183

BRITISH NORTH AMERICA ACT.—*Continued.*

	PAGE.
X. Intercolonial Railway .....	183
XI. Admission of other Colonies :	
Newfoundland .....	184
Prince Edward Island .....	184
British Columbia .....	184
Prince Rupert's Land.....	184
North-West Territory.....	184
Representation in Senate .....	184
<i>Schedules :</i>	
Electoral Districts of Ontario .....	185
Electoral Districts of Quebec.....	185
Provincial Public Works and Property to be the Property of Canada.....	186
Assets to be the Property of Ontario and Quebec jointly.....	186
Oath of Allegiance .....	187
Declaration of Qualification.....	187



## TERMS OF UNION:

	PAGE.
Buoys, assumption of payment of charges of, by Do- minion, art. 5.....	195
Beacons,      do.      do.      do.      art. 5	195
British North America Act, provisions of, applic- able to British Columbia, art. 10 .....	196
Charges, assumption of payment of by Dominion, art. 5.....	194
Customs Charges, in respect of, assumption of, by Dominion, art. 7.....	195
Customs Tariff and Excise Duties, provision for change, art. 7.....	195

TERMS OF UNION.—*Continued.*

	PAGE.
Debts and Liabilities, assumption of, by Dominion, art. 1.....	194
Dock, Graving, at Esquimalt, Dominion Government guarantee interest of cost, art. 12.....	196
Electoral Districts defined, Order in Council.....	192
Excise Duties and Customs Tariff, provision for change, art. 7.....	195
Esquimalt, Naval Station, continuation of, art. 9...	196
Executive Authority, Constitution of, art. 14.....	198
Fisheries, assumption of charges for encouragement of, by Dominion, art. 5.....	195
Geological Survey, assumption of payment of charges of, by Dominion, art. 5.....	195
Government, General, assumption of charges apper- taining to, by Dominion, art. 5.....	194
Governor, Lieutenant, salary of, art. 5.....	195
Graving Dock at Esquimalt, Dominion Government guarantee interest of cost, art. 12.....	196
Grant, Annual, art. 3.....	194
House of Commons, British Columbia represented in, art. 8.....	196
Indebtedness, Interest on difference of amount of, art. 2.....	194
Indians, charge of and trusteeship of reserves, art. 13.....	198
Indian Policy, art. 13.....	198
Interest on difference of amount of Indebtedness, art. 2.....	194
Judges, Supreme and County Court, salaries and allowances of, art. 5.....	195
Legislature of British Columbia, Constitution of, art. 14.....	198
Lighthouses, assumption of charges of, by Dominion, art. 5.....	195
Land, conveyance of tracts of, in trust for the Indians, art. 13.....	198
—— Conveyance of, in aid of construction of Rail- way, art. 11.....	197

TERMS OF UNION.—*Continued.*

	PAGE.
Land not to be alienated for two years, art. 11 ....	197
——— Dominion Govt. agree to pay for, art. 11 ...	198
Mail Service, provision for, art. 4.....	194
Militia, assumption of charges for provision for, by Dominion, art. 5.....	195
Marine Hospital, assumption of charges of, by Do- minion Government, art. 5.....	195
Naval Station, Esquimalt, continuance of, art. 9...	196
Order in Council declaring Union.....	191
Population of British Columbia, art. 3 .....	194
Postal Service, assumption of charges of, by Do- minion, art. 5.....	195
Penitentiary, assumption of charges of, by Dominion, art. 5.....	195
Pensions to Officers, art. 6.....	195
Quarantine, assumption of charges of, by Dominion, art. 5.....	195
Railway, construction of, art. 11 .....	197
——— Conveyance of Land by British Columbia to Dominion, in aid of, art. 11 .....	197
——— No Land to be alienated for two years, art. 11	197
——— Dominion Government agree to pay British Columbia for Land, art. 11.....	198
Responsible Government, introduction of, art. 14 ..	198
Subsidy, Annual, art. 3.....	194
Shipwrecked Crews, assumption of charges of, by Dominion, art. 5.....	195
Senate, B. C. represented in, art. 8.....	196
Telegraph Service, assumption of charges of, by Dominion, art. 5.....	195
Union, when and how to take effect, art. 14.....	199

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